
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: February 15, 2006

SCHEM. DEV. PLAN: SDP-05-006

TITLE: WASHINGTONIAN TEN

REQUEST: RECOMMENDATION TO M&C

ADDRESS: 9711 WASHINGTONIAN BOULEVARD

ZONE: MXD (Mixed Use Development) Zone

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

Applicant - Jon Wood, The Morgan Group, LLC
Attorney - Jody Kline, Miller, Miller and Canby
Engineer - Brian Donnelly, Macris, Hendricks and Glascock
Architects - Michael Watkins, DPZ and The Preston Group

STAFF PERSON: Trudy Schwarz, Community Planning Director

Enclosures:

Staff Analysis
Index of Memorandum and Exhibits (marked in **bold**)

STAFF COMMENTS

See enclosed Staff Analysis and exhibits.

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission

FROM: Trudy Schwarz, Community Planning Director

DATE: February 10, 2006

SUBJECT: Staff Analysis SDP-05-006 - Application for schematic development approval (SDP) for 206,895 square feet of office use, 55,211 square feet of office/retail/restaurant use¹ and 348 multifamily condominiums with structured parking. The subject property is located in the Washingtonian Center, Parcel K, on Washingtonian Boulevard, south of the Springhill Suites Hotel and north of Negola's Ark Veterinary Hospital, in the Mixed Use Development (MXD) Zone.

APPLICANT:

The Morgan Group, Inc.
c/o Jody Kline, Miller, Miller & Canby
200-B Monroe Street
Rockville, Maryland 20850

OWNER:

ORIX Gaithersburg, LLC
100 North Riverside Plaza
Chicago, Illinois 60606

LOCATION:

The subject property is located in the Washingtonian Center, on Washingtonian Boulevard, south of the Springhill Suites Hotel and north of Negola's Ark Veterinary Hospital, in the Mixed Use Development (MXD) Zone. The property is identified as Parcel K, Block C, Washingtonian Center, and contains 7.39362 acres.

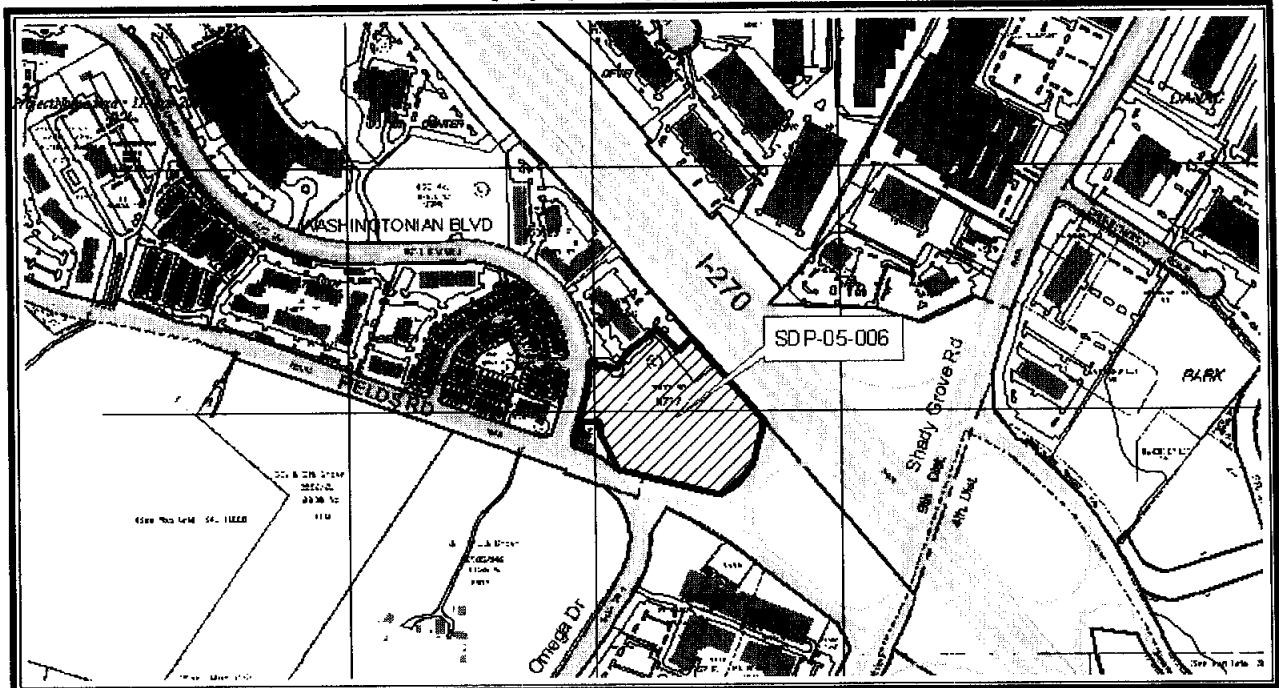
¹ The square footage of office space was increased from 147,848 to 206,895 square feet and the amount of office/ retail/restaurant space was reduced from 55,211 to 54,511 square feet after the submission of the original application and the public notices were sent. (See the site plan, Exhibit #33 & #86, and page 4 of the Transcript, Exhibit #67.)

Washingtonian Ten SDP-05-006

1 inch equals 83,333 feet
0 0 0 0 Feet
0 0 0 0 Meters



City of Oakton
Planning and Code Admin
31 S Summit Ave
Oakton, VA 22131
(703) 258-4330
www.oaktonva.gov



TAX MAP REFERENCE:

Tax Sheet: FS 562
Tax ID Number: 09-03244450
Montgomery County Plat No. 20870

BACKGROUND:

The subject property was annexed into the City as part of the Washingtonian (X-159) in 1991. The Schematic Development Plan (identified as Exhibit I), which was part of the annexation agreement, designated this area for a 200,000-400,000-square foot six-to-ten story-office building and a three-to-five-level parking deck. In 1996, the M&CC reviewed an application to amend the Schematic Development Plan, identified as SDP-W1, which included the subject property. The request was for Residence Inn (extended stay hotel), 84 townhouses and 302 apartments. This request was modified by the applicant (at the guidance of the Mayor and City Council and Planning Commission) to only approve the Residence Inn. The proposed apartments encompassed the subject area and the property of the Springfield Suites Hotel (i.e., that would have been 302 units on 10.3 acres). At that time, the City was conducting the Neighborhood 3 Master Plan and adopted land use of

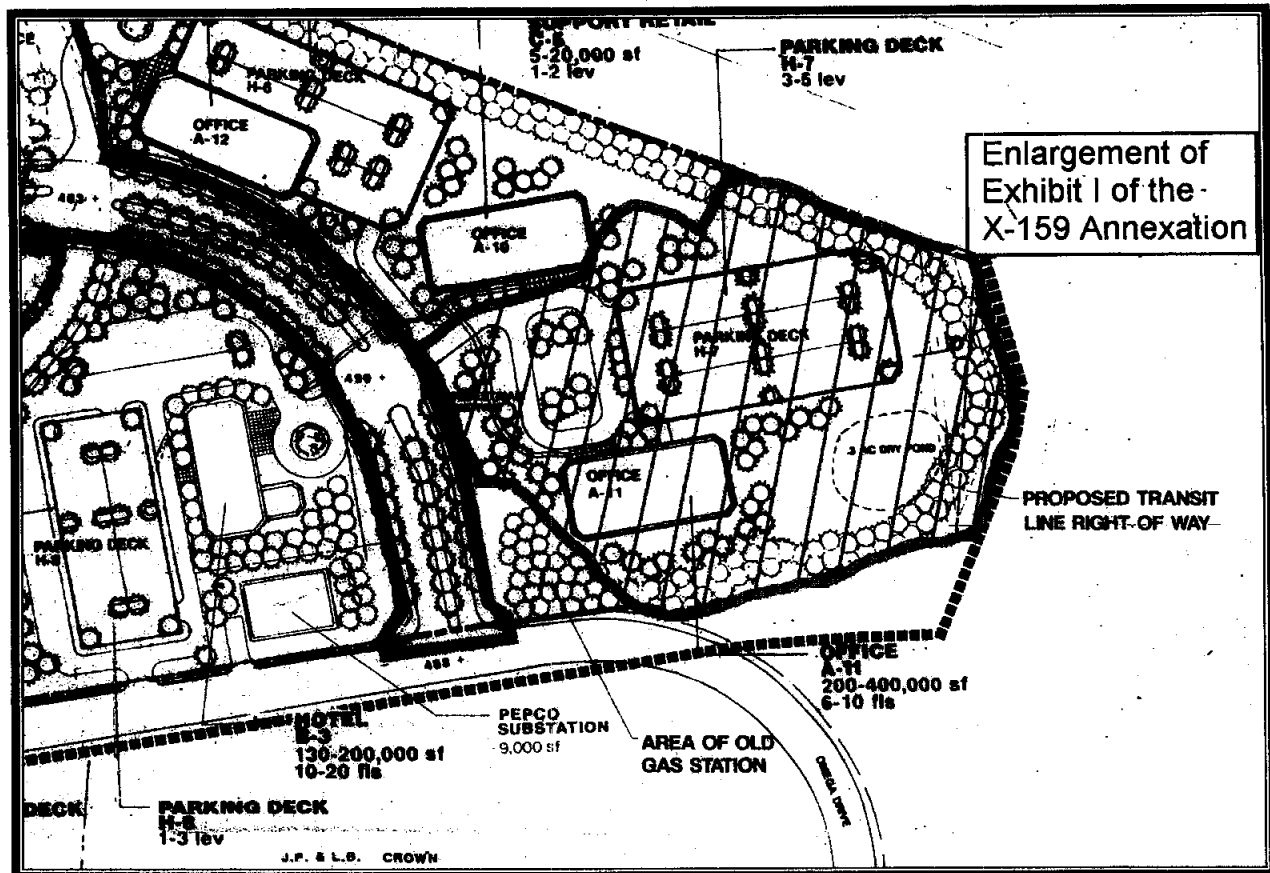
designation of *commercial/industrial-research-office* and *institutional* for the 10.3 acres. In 1998, the M&CC approved another amendment to the Washingtonian Center Schematic Development Plan, known as SDP-W4. This application included a 180-room hotel (the Springfield Suites Hotel), and two office buildings of 190,000 square foot and 160,000 square feet, and a parking structure for the 10.3 acres. An amendment to the annexation agreement was included as part of SDP-W4. Since then, the Planning Commission approved a Final Site Plan for the hotel (W-1113) and the offices (SP-02-0001), and an Amendment to Final Site Plan (AFP-02-038) for 350,000 square feet of office use. The offices were not constructed.

A Joint Public Hearing for another amendment to the Schematic Development Plan was held on May 16, 2005, to replace the approved 7.39 acre site for office space. The plan proposed 475 multi-family apartments and was identified as SDP-05-001. A Joint Work Session was held on July 25, 2005, in which the applicant revised the plan and presented a mixed use development. He was advised to resubmit for a new joint public hearing.

A public hearing on the Schematic Development Application was originally scheduled for November 14, 2005; however, a publishing error required the joint public hearing to be rescheduled to the December 5, 2005, Mayor and City Council meeting. This meeting was cancelled due to inclement weather. The joint public hearing was held by the Mayor and City Council and Planning Commission of the City of Gaithersburg on January 3, 2006. Notices were sent to property owners within 200 hundred feet and the property was properly posted. Minutes and a transcript of the meeting are exhibits of the record of this case. Also, the meeting may be viewed at www.gaithersburgmd.gov under Archived Mayor and City Council Meetings. Both the Council and the Planning Commission held the record open indefinitely. At their regularly scheduled meeting on January 18, 2006, the Planning Commission announced that their record would close on February 3, 2006.

ANNEXATION AGREEMENT

As stated above, this property is the subject of an Annexation Agreement executed in 1992. As part of the Agreement, Exhibit I, identified as a schematic development plan, shows land uses for the property. Below is an enlargement of that Exhibit highlighting the subject Property.



An Addendum to the Annexation Agreement was executed in 1998, which among other things, removed the Proposed Transit Line Right of Way that is shown on Exhibit I. That Addendum did not affect the density of use of the property, which allows 200,000 to 400,000 square feet of office use in a six-to-ten-story building with a three-to-five-level parking structure.

The original Agreement allows the parking for the development to be calculated with Montgomery County Standards for "both parking ratio and parking space size including credits for shared parking." The original Agreement prohibits the City from requiring additional off-site improvement and /or development fees.

MASTER PLAN AND LAND USE

The subject property is part of the "Special Study Area 5: Washingtonian Center in the Land Use Plan" section of the *City of Gaithersburg 2003 Master Plan*. The property is identified as Map Designation 3.

The 2003 Master Plan states the following:

This map designation is located in the southern corner of the Washingtonian Center Study Area adjacent to I-270 and equals approximately 7.39 acres.

At this time, site plan SP-02-0001, Washingtonian Center South ñ Phase I has been approved by the Planning Commission on April 3, 2002. However, no construction or building permits have been approved. The approved site plan consists of a 190,000 square feet 7-story office building. Phase II would consist of a 160,000 square feet office building. The height of the Phase II office building should be limited to six (6) stories. Both office buildings shall be located on the front of the lot adjacent to Washingtonian Boulevard. A parking structure will be required to meet the parking requirements of the development and should be located behind the office buildings. A portion of Master Plan: Land Use Plan, the parking garage (minimum 40%) should be developed as part of the Phase I development.

If the above office project does not move forward, other commercial/industrialresearch-office and institutional uses will still be viable options for development. The commercial/industrial-research-office and institutional designation will allow for two office buildings equaling 400,000 square feet. Institutional uses may include a conference center, elderly housing, medical center, hospital, educational uses, or any similar uses. If commercial/office uses are built, ancillary retail, restaurants, recreational uses and institutional uses would be permitted.

ZONING:

The property of the subject development is located in the MXD (Mixed Use Development) Zone and, therefore, the SDP must comply with Section 24-160D. The surrounding property is also zoned MXD.

The MXD zone states the following in Sec. 24-160D.4.:

Density and intensity of development:

(a) Residential.

(1) The residential density in the MXD Zone shall not exceed the residential density or total number of dwelling units stated in the applicable master plan, if any. The total number of dwelling units and the corresponding overall density, as well as the approximate location of such units, shall be established at the time of sketch plan approval pursuant to section 24-160D.9(a).

At this time, the current Master Plan does not specify any residential units for the property. The SDP application seeks to amend the sketch plan/SDP to establish the location of the residential units.

Section 24-160D.4(b) requires that properties in the MXD Zone with commercial employment/industrial land use must not exceed density of a floor area ratio (FAR) of 0.75. Staff has asked the applicant to provide that information on the site plan. This would need to be done prior to any approvals.

ENVIRONMENTAL:
Existing Land Physical Characteristics,
Natural Resources Inventory and Noise Analysis²

The subject site is 7.39 acres (322,066 square feet). This site is a recently disturbed site evidenced by environmental features. The topography is fairly flat, with the borders sloping down to the adjacent parcels. The Soil profiles are composed of cut/fill materials. There are no streams or wetlands present; however, the soil composition materials result in poor drainage, witnessed by standing water during Staff site visits.

The majority of the site can be described as fallow field beginning secondary plant succession. This is illustrated by the vegetation: pioneering and invasive herbaceous species such as Japanese Honeysuckle, Multiflora Rose, Pokeweed, and numerous grasses and sedges. Other woody shrubs, brambles and young trees (Oaks and Pines two-inch average diameter at breast height [DBH] typical) are also found throughout the site.

A .94-acre (40,804 square feet) pioneer forest stand has established itself on the western portion of the property. The dominant species are established, but invasive, Tree of Heaven and Bradford Pears, with average sizes of approximately four inch-DBH. The 24-inch DBH specimen White Spruce is located within this stand. The retention priority of this forest stand is low.

The site is mostly bordered by previously planted ornamental cherries used for landscaping. The oldest trees face Washingtonian Boulevard and Fields Road. These ornamental cherries average 18-inch DBH. While many are in good shape, a number do show signs of stress such as dead limbs, trunk cankers, and splits. The younger cherries are aligned along I-270 and the I-270 exit ramp. They average ten-inch DBH, and are in good condition.

Due to the proximity of I-270, a noise analysis was performed by Miller, Beam & Paganelli Inc., between November 30 and December 1, 2005. The study found that the majority of the site experiences exterior average noise levels measuring 70 decibels (dBA). The northernmost section of the property, directly adjacent to I-270, experienced levels as high as 77.5 dBA. These levels all exceed the exterior 65-dBA City of Gaithersburg requirement established in the City *Environmental Standards for Development Regulation* (§34 and Appendix J). Any development on this site will require architectural and/or structural mitigation measures.

Afforestation/Forest Conservation:

Due to the size of the development most of the trees on site (including the cherry trees that border the site) are proposed to be removed. This would require 2.05 acres of afforestation/reforestation for the development. Although street trees are proposed for the private streets they would not be calculated towards that requirement and the plan needs to

² Prepared by Rob Robinson, Planner, City of Gaithersburg

be revised. Because there is limited open space on this plan due to its urban design, the applicant is proposing to pay a fee-in-lieu.

Stormwater Management

The site would be required to provide quality protection for the run-off of any stormwater in order to protect the downstream water resources. A conceptual stormwater management plan would need to be submitted for approval prior to the approval of the SDP.

COMMUNITY FACILITIES:

Public Utilities

The applicant needs to provide a utility plan for the project prior to approval of the SDP. In addition, due to the proximity to the PEPCO substation, the applicant must provide additional public utility easements (PUE) for main trunk lines and service facilities.

Emergency Services

The Fire Marshal and Senior Plans Examiner for the City have expressed their concerns that this project does not comply with the City's Fire Safety Code for a number of reasons. These issues have not been resolved. Although the applicant has provided additional access to the residential portion of the project, this access does not provide adequate turning radii for emergency services vehicles. Direct access to the parking garage also needs to be provided.

Recreation & Open Space

The site plan shows an area of open space with a swimming pool within the multi-family condominium; however, sufficient information has not been provided to show that the swimming pool complies with Montgomery County pool and deck size requirements. This will have an impact on the amount of trees that can be located in this area. The rest of the green space is between the building and the I-270 right of way. The property does have the amenity of the Washingtonian Lake facilities. There are a number of paved plazas throughout the development, which was to be under private ownership, similar to those in other parts of Washingtonian Center.

EDUCATION:

The proposed SDP is within the Gaithersburg Cluster of the Montgomery County Public School (MCPS) system. Students generated from the 348-unit Multi Family Condominium project would attend Rosemont Elementary, Forest Oak Middle School, and Gaithersburg High School.

Student generation rates from past sampling of this type of apartment/condominium project with structured parking type of project consist of the following:³

Elementary (Kindergarten – 5th Grade) = 0.036 students generation rate per unit = 348

units x 0.036 = **13 students**

Middle School (6th – 8th Grade) = 0.016 students generation rate per unit = 348 units x

0.016 = **6 students**

High School (9th – 12th Grade) = 0.015 students generation rate per unit = 348 units x 0.015

= **6 students**

According to the *MCPS Superintendent's Recommended FY2007 Capital Budget and FY 2007-2012 Capital Improvements Program*, both Rosemont Elementary and Forest Oak Middle Schools have the capacity for these students. Gaithersburg High School, however, does not have the capacity; in fact, they are currently over enrolled in their program by 455 students. Even with the modernization/replacement of the school as programmed for completion between August 2012 and August 2013, there may still be a capacity issue according to the projections.

Therefore, the subject application does not meet the City's goal in maintaining 100 percent capacity level of a school without borrowing between MCPS school clusters. At this time there is no fund established to help mitigate overcrowding.

TRANSPORTATION:

Traffic and Roads

The original intent of the traffic assessment submitted (Exhibit #61) was to compare the approved development totals with what was being proposed, and seeing how that would impact traffic in the immediate area. These impacts are detailed on Table 1 of the report. It appears that while the capacity of the intersections in the immediate area will increase, acceptable traffic levels can still be maintained.

The property adjoins I-270. State Highway Administration in conjunction with their consulting engineers have begun a feasibility study of connecting the I-270/US 15 Multi-Modal Corridor Project with I-495 using Express Toll Lanes (ETL). Additional time has been requested to evaluate the impact on this development. At this time, the engineers did not know whether this study would show a need for additional right of way to accommodate the ETL.

³ Provided by Bruce Crispell, Director, Division of Long-range Planning MCPS Department of Planning and Capital Programming, January 2006.

Parking

The applicant has submitted sufficient evidence to show that their parking calculations comply with the requirements of the Annexation Agreement, which allows calculations based on Montgomery County Code requirements for parking (specifically Sec. 59-E-3.1 for shared parking). Therefore, a waiver would not be needed. Staff has not received sufficient exhibits such as an engineered or architectural plan of the parking garage structure to substantiate that the parking can be provided.

Transit

Ride On bus line 54 serves this property. This route connects to the Rockville METRO Station in an approximately 20-minute ride. The applicant has shown two locations for bus shelters: Omega Drive and Washingtonian Boulevard. As part of any SDP or site plan approvals, the applicant would be required to provide funding for these shelters.

The property is also within close proximity to the proposed Corridor Cities Transit (CCT). The CCT is master planned to traverse Fields Road and the adjoining Crown Farm.

Alternative Methods

The applicant has not shown locations for bicycle parking, which needs to be factored into the plan. In addition, should these building meet LEED (Leadership in Energy and Environmental Design) standards, credits can be granted for alternative fuel automobiles and preferred parking for these vehicles. The Washingtonian Town Center also provides many walking opportunities, and plans need to complete the connectivity of the site by incorporating additional sidewalks along Washingtonian Boulevard to connect with Fields Road and Omega Drive.

HOUSING:

The applicant has proposed to set aside 12.5 percent of the total number of condominium units under an Affordable Housing Program Agreement to be executed by the developer and the City. These units would be at the same proportion as the total mix of units and would be delivered "simultaneously with market rate units."

STAFF RECOMMENDATION:

At this time, the Planning Commission should not recommend approval of the SDP to the Mayor and City Council because the residential land use of the plan is not in accordance with the 2003 City of Gaithersburg Master Plan land uses and, therefore, the plan does not comply with Sec 24-160D.4(a)(1) of the Zoning Ordinance.

The Planning Commission can recommend denying the plan or they can recommend that the Mayor and City Council consider revising the 2003 Master Plan for this special study area to accommodate the project. During that time, staff will continue to work with the applicant's team to resolve the outstanding issues with the Schematic Development Plan.

INDEX OF MEMORANDA

Washingtonian Ten
SDP-05-006

No.

- 1) Application for Schematic Development Plan SDP-05-001
- 2) Letter, received August 30, 2005, requesting to amend Schematic Development Plan Application & withdrawal of SDP-05-001
- 3) Letter requesting the waiving of the fee for SDP-05-006
- 4) Site Location Map
- 5) List of Adjoining & Confronting Property Owners
- 6) Phasing- Staging Plan- The Estates At Washingtonian Center
- 7) Waiver Requests in Conjunction with Schematic Development Plan Amendment Application for "Washingtonian 10" concerning Parking and Reduction in width of Parking Module/Drive Lanes
- 8) Identification Plat
- 9) Site Plan SDP (Sheet 1 of 2)
- 10) Landscape and Forest Conservation Plan/Schematic Development Plan (Sheet 2 of 2)
- 11) Stormwater Management Concept SDP (Sheet 1 of 1)
- 12) Green Area Exhibit SDP (Sheet 1 of 2)
- 13) Tree Stand Delineation approve in 1996
- 14) Site Development Plan SP-02-0001, Sheets C-2, C-6 and C-7
- 15) Building Perspective and Building Elevations (U1 & U2)
- 16) Comments from Washington Suburban Sanitary Commission
- 17) Letter, received September 13, 2005, requesting rescheduling of public hearing from Jody Kline, Miller, Miller and Canby
- 18) Letter, received October 13, 2005, from State Highway Administration (SHA), Maryland Department of Transportation

- 19) Facsimile, received October 19, 2005, from SHA Project Planning Division with comments from Consulting Engineers, Rummel, Klepper and Kahl, LLP concerning I-270 Improvements and Corridor Cities Transitway Improvements and Stormwater Management
- 20) E-mail, dated October 21, 2005, from Rob Robinson, City of Gaithersburg, to Brian Horn, Rummel, Klepper and Kahl, LLP
- 21) Letter, dated October 21, 2005, requesting publication of the Notice of Joint Public Hearing of SDP-05-006 for the Mayor and City Council and the Planning Commission in the October 26 & November 2, 2005, issues of the *Gaithersburg Gazette* and attached fax and e-mail confirmation sheet
- 22) November 2, 2005 Washingtonian Ten Staff Comments
- 23) Notice of Public Hearing as sent to properties within 200' and other interested parties on October 28, 2005, mailing list attached
- 24) E-mail, dated November 17, 2005 from Ollie Mumpower, City of Gaithersburg, concerning Traffic Information with attached e-mail and attachment from Wells & Associates, LLC
- 25) Letter, received November 17, 2005, from Jody Kline concerning Washingtonian Ten and comment from Montgomery County Department of Public Works and Transportation
- 26) E-mail, dated November 16, 2005 from Ollie Sam Farhadi, Montgomery County Department of Public Works and Transportation, concerning entrances on Omega Drive
- 27) Facsimile, received November 8, 2005, from John Borkowski and SHA Project Planning Division with comments from Consulting Engineers, Rummel, Klepper and Kahl, LLP concerning I-270 Improvements requesting Six (6) Months to Develop potential Right of Way Needs
- 28) Letter, dated November 7, 2005, requesting publication of the Notice of Joint Public Hearing of SDP-05-006 for the Mayor and City Council and the Planning Commission in the November 16 & 23, 2005, issues of the *Gaithersburg Gazette* and attached fax and e-mail confirmation sheet (This publication was due to an error in publishing by the *Gazette*)
- 29) Notice of Rescheduled Public Hearing as sent to properties within 200' and other interested parties on November 10, 2005, mailing list attached
- 30) Transmittals of Site Plans to City Departments and other agencies
- 31) Updated Traffic Assessment, Washingtonian Ten, received November 29, 2005, from Wells & Associates, LLC
- 32) Letter, received November 30, 2005, from Brian Donnelly, Macris, Hendricks & Glascock, P.A., concerning the requested Parking Waiver
- 33) Overall Site Plan (SDP-1)

- 34) Detailed Site Development Plan (SDP-2)
- 35) Landscape and Forest Conservation Plan (SDP-3)
- 36) Detailed Landscape and Forest Conservation Plan (SDP-4)
- 37) Detailed Landscape and Forest Conservation Plan (SDP-5)
- 38) Architectural Elevations (U1)
- 39) Overall Site Plan (SDP-1) (Reduced Version)
- 40) Detailed Site Development Plan (SDP-2) (Reduced Version)
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- 45) Schematic Streetscape Photograph
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- 51) Schematic Streetscape Photograph
- 52) Schematic Streetscape Photograph
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- 54) Schematic Streetscape Photograph
- 55) Mayor and Council Cover Sheet – December 5, 2005 Joint Public Hearing
- 56) Letter to Gaithersburg Gazette dated December 7, 2005, requesting a Legal Ad for December 14 and 21, 2005, issues. Fax and email printed communications re same.
- 57) Notice of December 8, 2005, joint public hearing to interested parties. Labels for people notified. Rescheduled Date of Joint public hearing

- 58) Memo, dated December 13, 2005, from Ivan Humberson, Fire Marshal, to Community Planning Director Schwarz
- 59) Mayor and Council Cover Sheet – January 3, 2006 Joint Public Hearing
- 60) Washingtonian 10 Book prepared by Duany Plater-Zyberk & Company
- 61) Traffic Assessment prepared by Wells and Associates, LLC.**
- 62) Letter, received via fax January 13, 2006, from Jody Kline to Chairman Bauer re: SDP-05-006, Washingtonian Ten**
- 63) Transmittal, received January 13, 2006, from Jon Wood, The Morgan Group Inc., with a CD (Exhibit #63A) of the Washingtonian 10 video clip, site plan and illustrations
- 64) Letter, received January 18, 2006, from Jody Kline to Chairman Bauer re: SDP-05-006, Washingtonian Ten**
- 65) Copy of a series of e-mails, received via fax, from Jon Wood and Chad Edwards of The Morgan Group and Bruce Crispell, Montgomery County Public Schools re: Student Generation**
- 66) List of Site Plan Issues, January 27, 2006, prepared for a staff meeting with the developer**
- 67) Transcript of the Joint Public Hearing on SDP-05-006 on January 3, 2006**
- 68) Minutes of the January 3, 2006, City Council Meeting**
- 69) Environmental Noise Measurement and Analysis**
- 70) Natural Resource Inventory/Forest Deliniation for Parcel K, Block C**
- 71) Letter, received February 3, 2006, from Jody Kline to Mayor and City Council and the Planning Commission re: SDP-05-006, Washingtonian Ten re: Affordable Housing**
- 72) Cover Letter, received February 3, 2006, from Jody Kline to Trudy Schwarz re: SDP-05-006, Washingtonian Ten with Attachments**
- 73) Attachment #1 – Letter, dated February 1, 2006, from James Greenan**
- 74) Attachment #2 – Petition supporting the Washingtonian 10 SDP**
- 75) Attachment #3 – Letter from Rick Farren**
- 76) Letter, received February 3, 2006, from Jody Kline to Trudy Schwarz re: SDP-05-006, Washingtonian Ten and Parking**
- 77) Letter, received February 3, 2006, from Jody Kline to Trudy Schwarz re: SDP-05-006, Washingtonian Ten and Master Plan**

- 78) Letter, received February 3, 2006, from Micheal Watkins, DPZ to Mayor and City Council and the Planning Commission re: SDP-05-006, Washingtonian Ten and Master Plan Themes**
- 79) Letter, received February 3, 2006, from Dr. Negola, Negola's Ark to Mayor and City Council and the Planning Commission re: SDP-05-006, Washingtonian Ten**
- 80) Maryland State Highway Permit for grading in the State right of way for I-270**
- 81) Overall Site Plan (SDP-1)
- 82) Detailed Site Development Plan (SDP-2)
- 83) Landscape and Forest Conservation Plan (SDP-3)
- 84) Detailed Landscape and Forest Conservation Plan (SDP-4)
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- 86) Overall Site Plan (SDP-1) (Reduced Version)**
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- 88) Landscape and Forest Conservation Plan (SDP-3) (Reduced Version)**
- 89) Detailed Landscape and Forest Conservation Plan (SDP-4) (Reduced Version)**
- 90) Architectural Plans –Building Index**
- 91) Architectural Elevations – Building Elevation #1**
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- 97) Architectural Elevations - Building Elevation #7**
- 98) Architectural Elevations - Building Elevation #8**
- 99) Architectural Elevations - Building Elevation #9**

MEMORANDUM

TO: Jon C. Wood
The Morgan Group, Inc.

CC: Jody Kline

FROM: Michael J. Workosky
Christopher L. Bowyer
Wells & Associates, LLC

DATE: November 29, 2005

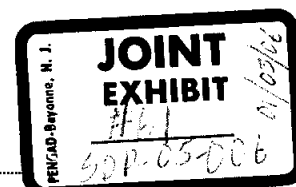
SUBJECT: Updated Traffic Assessment
Washingtonian Ten;
Gaithersburg, Maryland

Introduction

This memorandum summarizes an updated traffic assessment for the proposed Washingtonian Ten project. It is based on the background information contained in the "Washingtonian Estates Traffic Assessment", dated March 25, 2005, that assumed the currently approved 350,000 S.F. of general office space would be replaced with 475 multi-family residential dwellings. This report should be referenced for additional background information.

Based on discussions with the City of Gaithersburg, the development program has been revised to contain a mix of land uses that promotes internal trip making, including office, retail, and residential uses.

Consistent with the previous study, an analysis of both the approved office use and the proposed mixed use programs have been prepared for comparison purposes to identify the cumulative effects on the roadway network.



For ease of reading, all tables and graphics are contained in the attached appendices.

Revised Development Program

The Washingtonian Ten site plan has been revised to include the following mix of uses:

General Office:	206,895 S.F.
Retail:	54,511 S.F.
Residential condos	348 D.U.

Updated Trip Generation and Comparison

The number of AM and PM peak hour trips expected to be generated by both the approved office and proposed mixed uses were calculated based on the rates published by the Maryland-National Capital Park and Planning Commission.

The results are shown in Table 1, and indicate that the approved office use would generate 587 trips (511 in and 76 out) during the AM peak hour and 524 trips (89 in and 435 out) during the PM peak hour. The proposed mixed use would generate 564 trips (368 in and 196 out) during the AM peak hour and 799 trips (330 in and 469 out) during the PM peak hour. Internal trip estimates for the mixed use project were computed based on the methodology and data published by the Institute of Transportation Engineers (ITE).

A comparison of the proposed versus approved program indicates that the proposed uses would generate 23 (or 4 percent) fewer trips during the AM peak hour and 275 (or 52 percent) more trips during the PM peak hour.

Site Access and Internal Circulation

Access to the property is proposed via a full-movement driveway on Washingtonian Boulevard, north of the Fields Road intersection. A second right-in/right-out only driveway is proposed on Omega Drive, just east of the Washingtonian Center Boulevard intersection. It is noted that a driveway currently proposed on the I-270 access ramp has been eliminated based on recent comments provided by the City. Additional revisions have been made to the site plan in the area adjacent to the existing hotel building based on a meeting held with City staff on November 2, 2005.

Future Traffic Forecasts and Levels of Service

Total future volumes for both the approved office and proposed mixed use scenarios were developed based on existing traffic counts and the site-generated trips mentioned previously.

Revised capacity analyses were prepared for total future conditions based on the existing lane use and total future forecasts using the Critical Lane Volume technique.

The results are summarized on Table 2, and indicate that the proposed mixed uses would have equal to or less impact at the critical Sam Eig Highway/Fields Road intersection than the approved office use. This intersection would operate at CLV 1,156 rather than 1,175 (19 CLV reduction) during the AM peak hour, and 1,000 (0 CLV reduction) during the PM peak hour.

The remaining three study intersections would realize an increase in CLV during both the AM and PM peak hours with the mixed-use project. However, all of these intersections are expected to operate with CLV's below 1,000, indicating that considerable residual capacity exists at these locations.

Conclusion

The results of the updated traffic assessment indicate that the proposed mixed uses would generate 23 (or 4 percent) fewer trips during the AM peak hour and 275 (or 52 percent) more trips during the PM peak hour than the approved office uses.

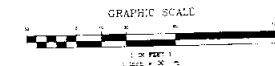
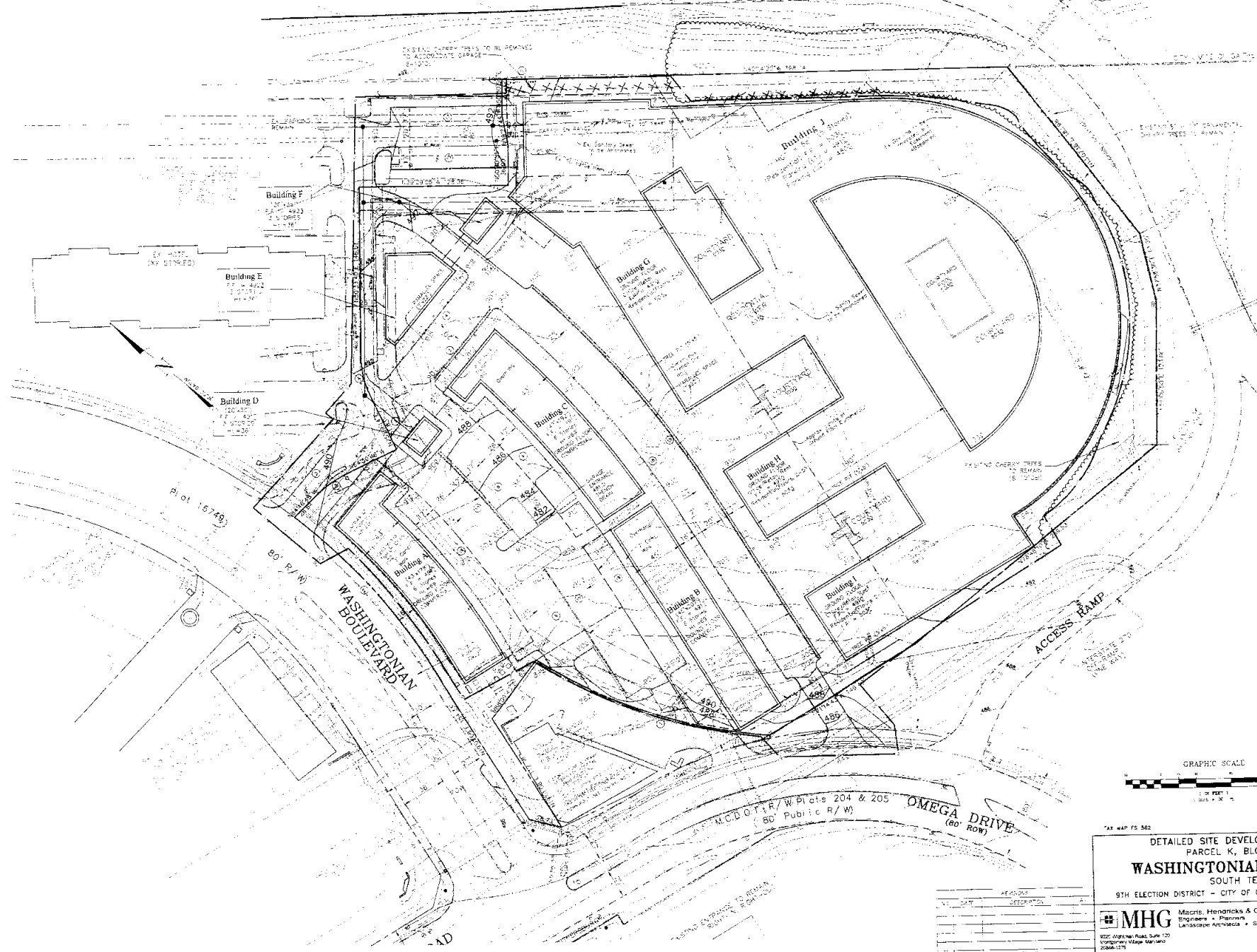
The revised development program would have less than or equal to impact to the critical Sam Eig Highway/Fields Road intersection. While an increase in CLV would be realized at remaining study intersections, the resultant CLV would be well below the City standard, indicating that significant residual capacity exists at these intersections.

Questions regarding this document should be directed to Wells & Associates.

O:\PROJECTS\2776\DOCS\REPORTS\WASHINGTONIAN TEN UPDATED TRAFFIC ASSESSMENT (FINAL 11.29.05)

Appendix A

Figures



SDP-2
SPD-05-006
WSSC 22-11-00

AT MAP 75 502

DETAILED SITE DEVELOPMENT PLAN
PARCEL K, BLOCK C
WASHINGTONIAN CENTER
SOUTH TEN
9TH ELECTION DISTRICT - CITY OF GAITHERSBURG - MARYLAND

MHG Macris, Henricks & Glascock, P.A. Engineers • Planners Landscape Architects • Surveyors 8227 Ardmore Road, Suite 100 Springfield, Virginia 22154 Tel: 703-548-0923 Fax: 703-548-0924 www.mhgpa.com	PREPARED BY DATE 03/03/08 PROJECT NO. 05-158-11	CHECKED BY DATE 03/03/08 SHEET 1 OF 2
	PROJECT NO. 05-158-11	

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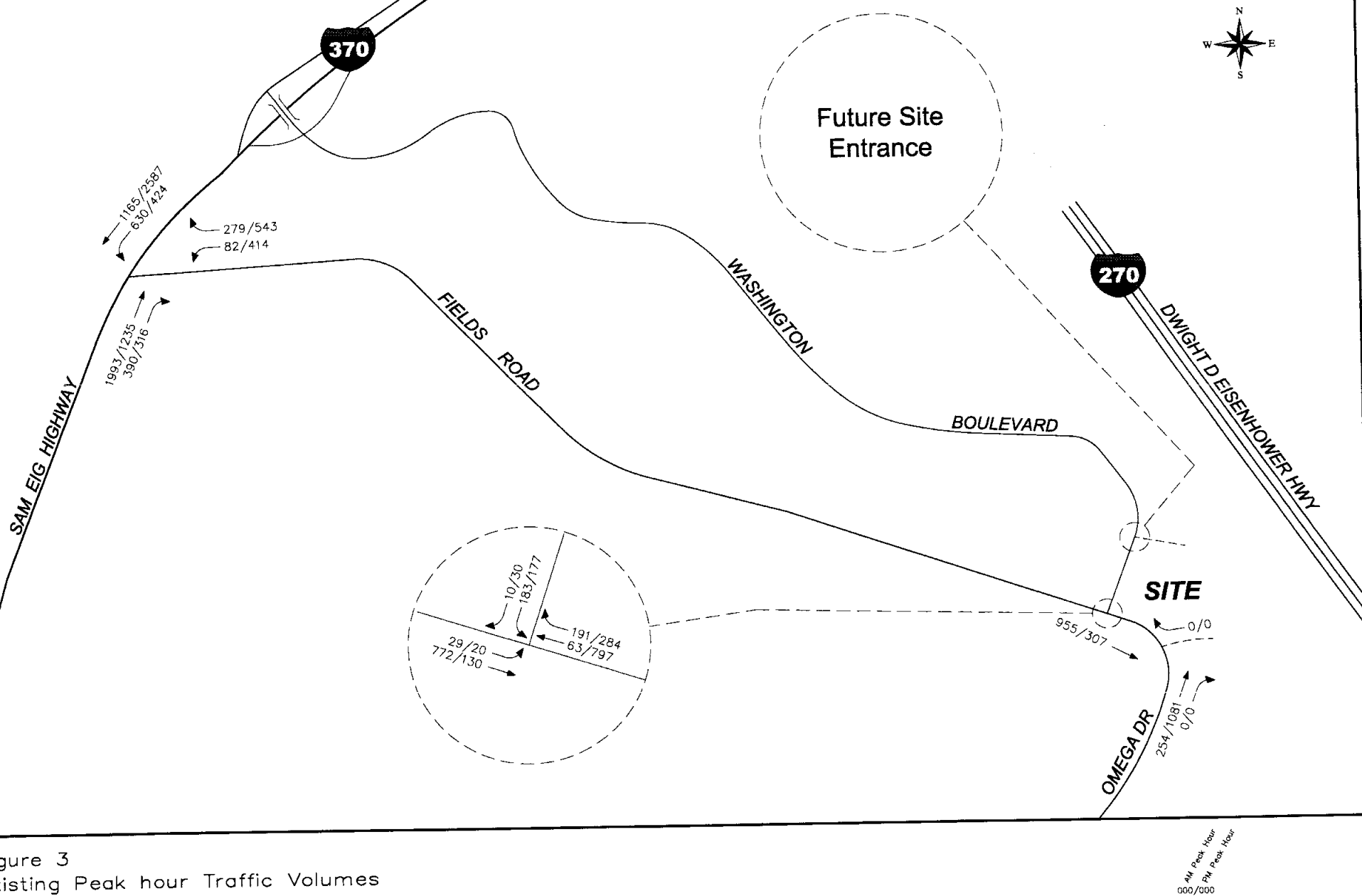


Figure 3
Existing Peak hour Traffic Volumes

G:\Projects\2501-3000\2776 Morgan - Washington Center\Graphics\2776 rpt graphics.dwg DAO

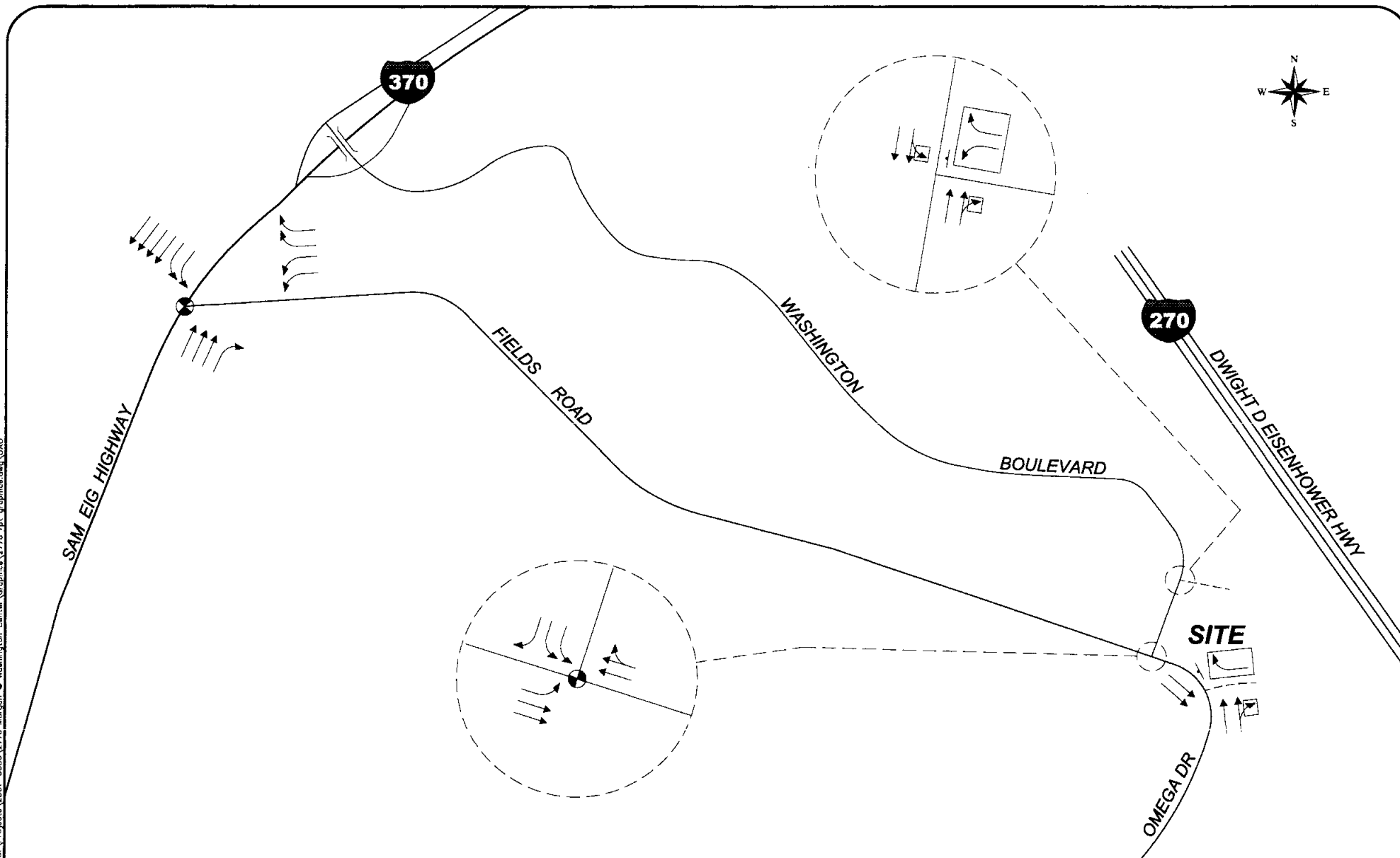


Figure 4
Existing Lane Use and Traffic Control

- ← Represents One Travel Lane
- Signalized Intersection
- ⊥ Stop Sign
- Future Lanes

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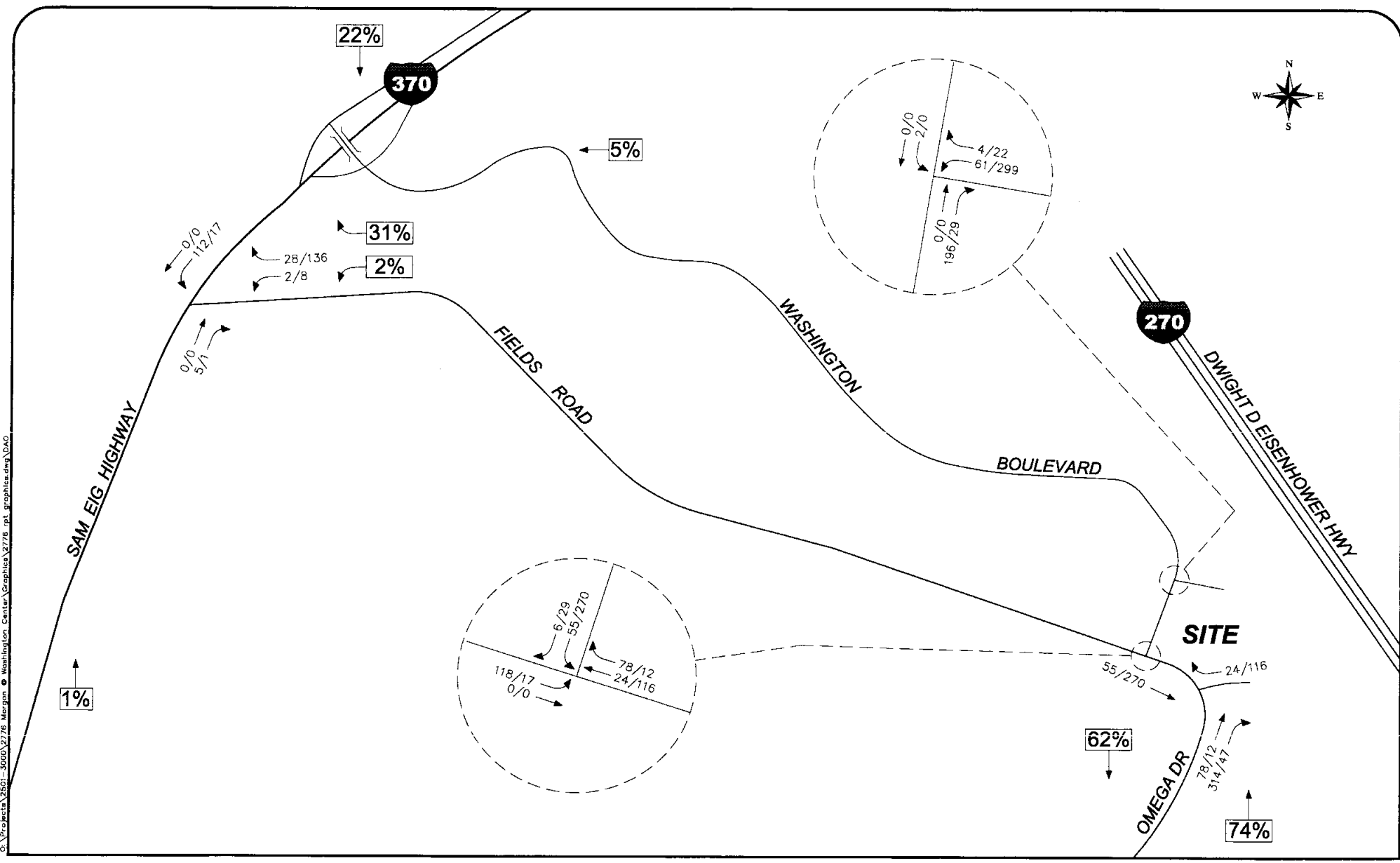


Figure 5
Site-Generated Traffic Assignments – Office

C:\Projects\2501-3000\2776 Morgan - Washington Center\Graphics\2776 rpt graphics.dwg,plao

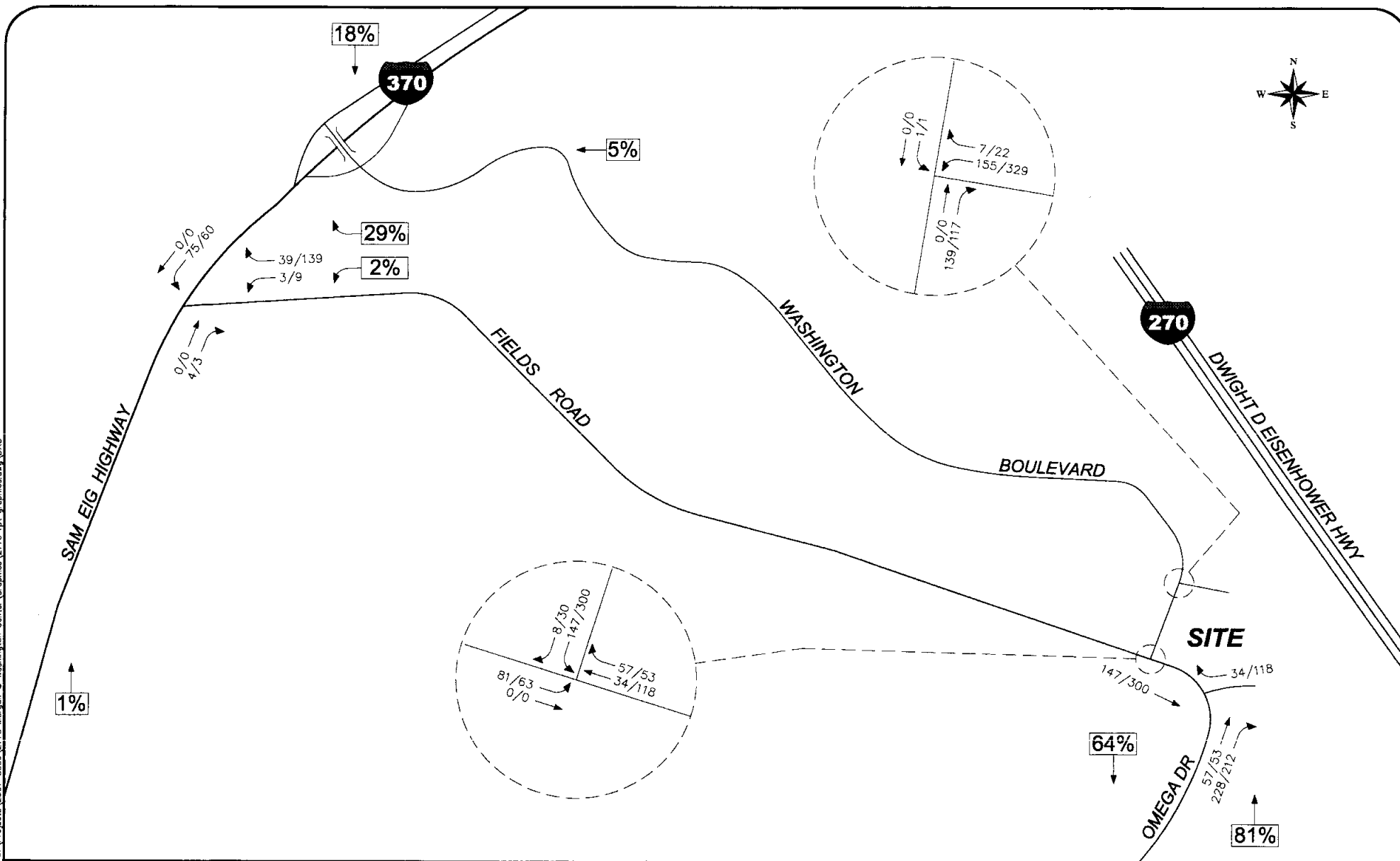


Figure 6
Site-Generated Traffic Assignments — Mixed Use

AM Peak Hour
PM Peak Hour
000/000

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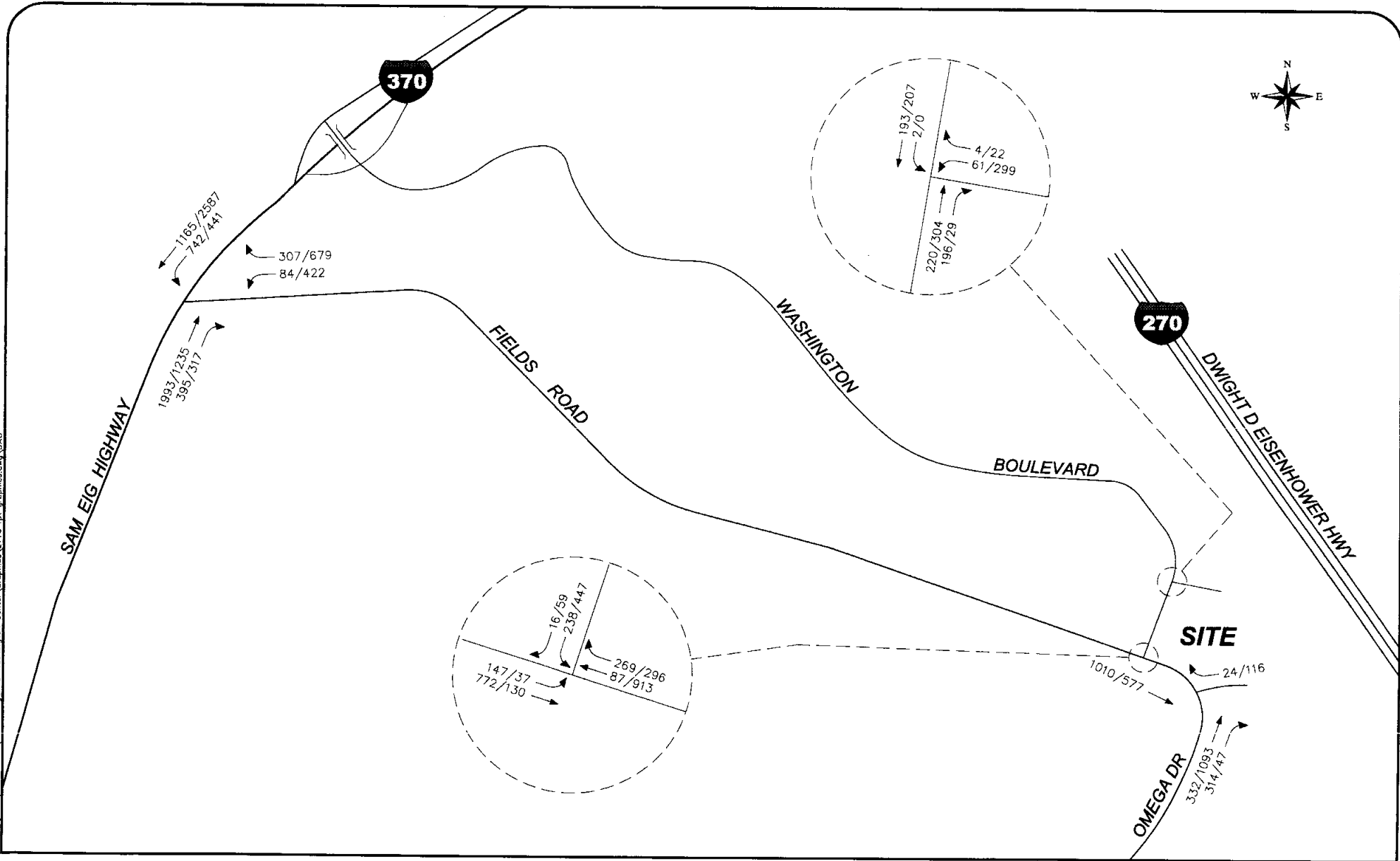


Figure 7
Total Future Traffic Forecasts – Office

Q:\Projects\2501_3000\2776 Morgan - Washington Center\Graphics\2776 rpt_graphics.dwg\DAO

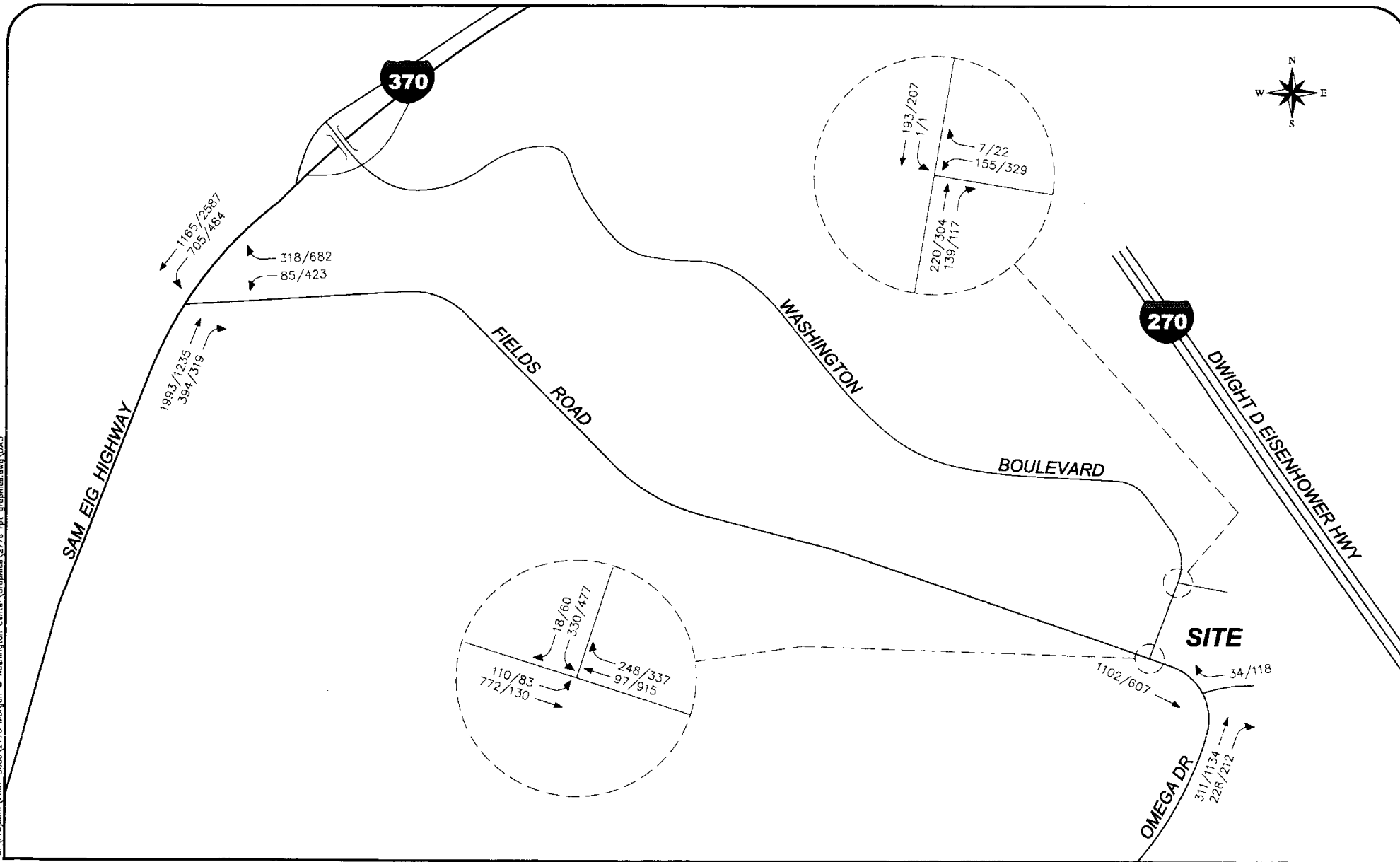


Figure 8
Total Future Traffic Forecasts — Mixed Use

G:\Project\2501-3000\2776 Morgan - Washington Center\Graphics\2776 rpt graphics.dwg,DAO

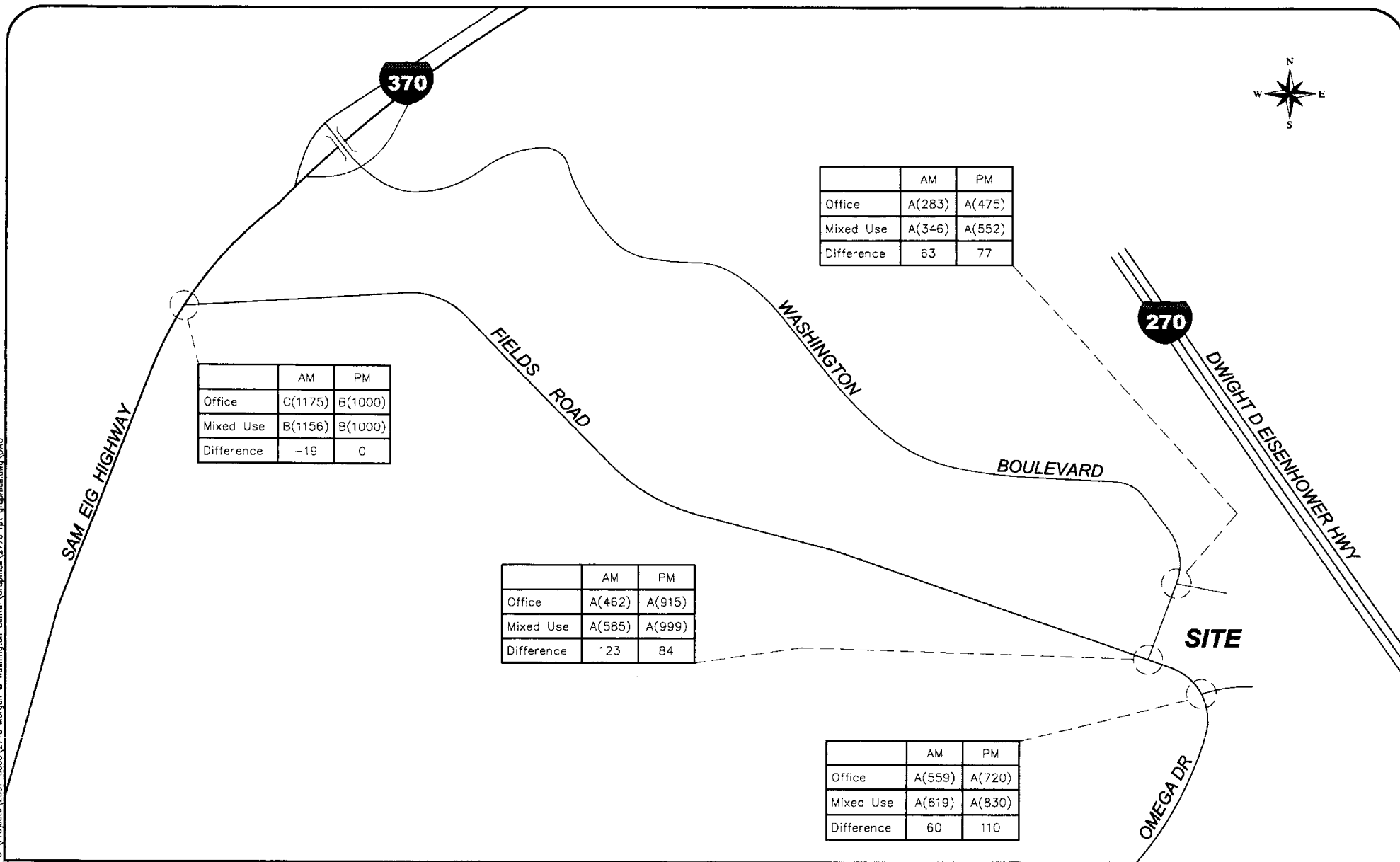


Figure 9
Critical Lane Volume Comparison

Appendix B

Tables

Table 1
The Estates at Washingtonian Center
Site Trip Generation Analysis ⁽¹⁾

Land Use	Amount	Units	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
<u>Approved Program</u>								
General Office	350,000	S.F.	511	76	587	89	435	524
<u>Proposed Program</u>								
General Office	206,895	S.F.	299	45	344	54	264	318
Internal to Retail	23%	23%	-	10	10	-	61	61
Internal to Residential	2%	2%	-	1	1	-	5	5
Internal from Retail	31%	31%	93	-	93	17	-	17
Internal from Residential	0%	0%	-	-	-	-	-	-
Total Internal			2	2	4	6	6	12
Total Office Trips			297	43	340	48	258	306
Retail	54,511	S.F.	56	52	108	224	206	430
Internal to Office	3%	3%	-	2	2	-	6	6
Internal to Residential	12%	12%	-	6	6	-	25	25
Internal from Office	2%	2%	1	-	1	4	-	4
Internal from Residential	9%	9%	5	-	5	20	-	20
Total Internal			6	8	14	24	31	55
Total Retail Trips			50	44	94	200	175	375
Residential Condos	348	D.U.	28	114	142	109	56	165
Internal to Office	0%	0%	-	-	-	-	-	-
Internal to Retail	53%	53%	-	60	60	-	30	30
Internal from Office	2%	2%	1	-	1	2	-	2
Internal from Retail	31%	31%	9	-	9	34	-	34
Total Internal			7	5	12	27	20	47
Total Residential Trips			21	109	130	82	36	118
Total Internal Trips			15	15	30	57	57	114
Proposed Total			368	196	564	330	469	799
Percent Internal Trips			4%	8%	5%	17%	12%	14%
<u>Comparison (Proposed vs. Approved)</u>								
Difference			(143)	120	(23)	241	34	275
Percentage			-28%	158%	-4%	271%	8%	52%

Notes ⁽¹⁾ Trips based on Weekday Peak-Hour Trip-Generation Formulas and Rates for Use in Local Area Transportation Review, July 1, 2004.

Table 1
The Estates at Washingtonian Center
Peak Hour Intersection Levels of Service ⁽¹⁾

Intersection	Type of Control	Existing 2005 Traffic Volumes				Total Future Conditions				Mixed Use vs. Office Comparison	
		AM Peak		PM Peak		Approved Office Program		Proposed Mixed Use Program		AM	PM
1. Sam Elg Highway/Fields Road	Signal	B	1115	A	996	C	1175	B	1000	-19	0
2. Fields Road/Omega Drive/Washingtonian Boulevard	Signal	A	506	A	687	A	462	A	915	123	84
3. Washingtonian Boulevard/Site Entrance	Stop Sign	N/A		N/A		A	283	A	475	63	77
4. Fields Road/Site Entrance	Stop Sign	N/A		N/A		A	559	A	720	60	110

Notes:

⁽¹⁾ Analysis performed using Critical Lane Volume Technique (Lane Use Factors for Montgomery County)

⁽²⁾ CLV Standard for City of Gaithersburg is 1,450.

Appendix C

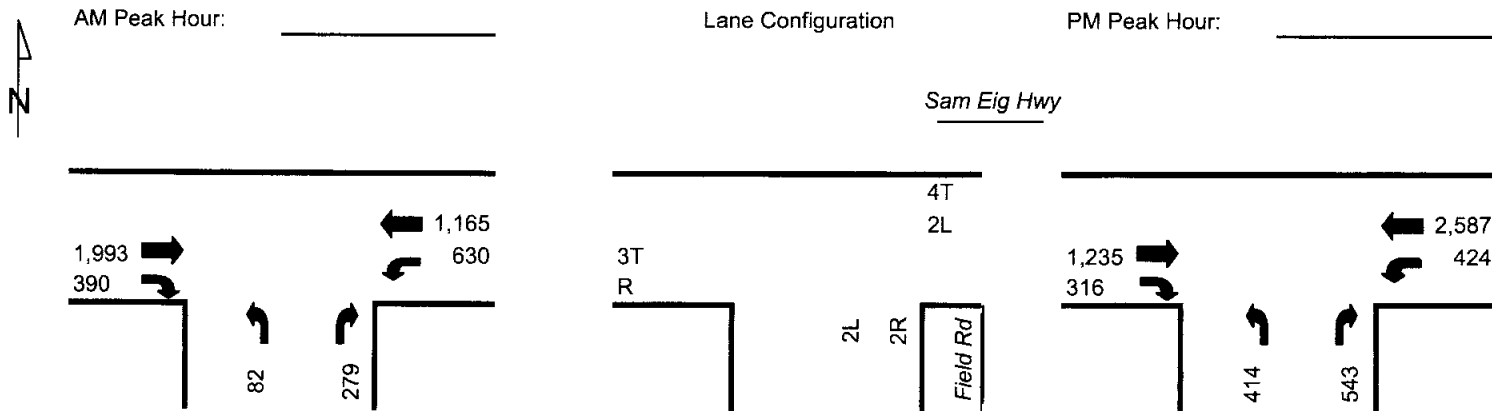
Existing Critical Lane Volumes

Critical Lane Volume Level of Service Calculations

Intersection: Sam Eig Highway
 At: Fields Road
 County/State: Montgomery County
 Scenario/Design Year: Existing Conditions
 Computed by: CFP (3.18.05)



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Intersection Control: Signal x Stop _____ Ways _____

RTOR/Overlap (AM): NB 148 SB _____ EB 43 WB _____

RTOR/Overlap (PM): NB 225 SB _____ EB 219 WB _____

Number of Lanes	Lane Use Factor	Level of Service	Critical Lane Volume
1	1.00	A	£ 1,000
2	0.53	B	£ 1,150
3	0.37	C	£ 1,300
4	0.30	D	£ 1,450
2 left	0.53	E	£ 1,600
		F	> 1,600

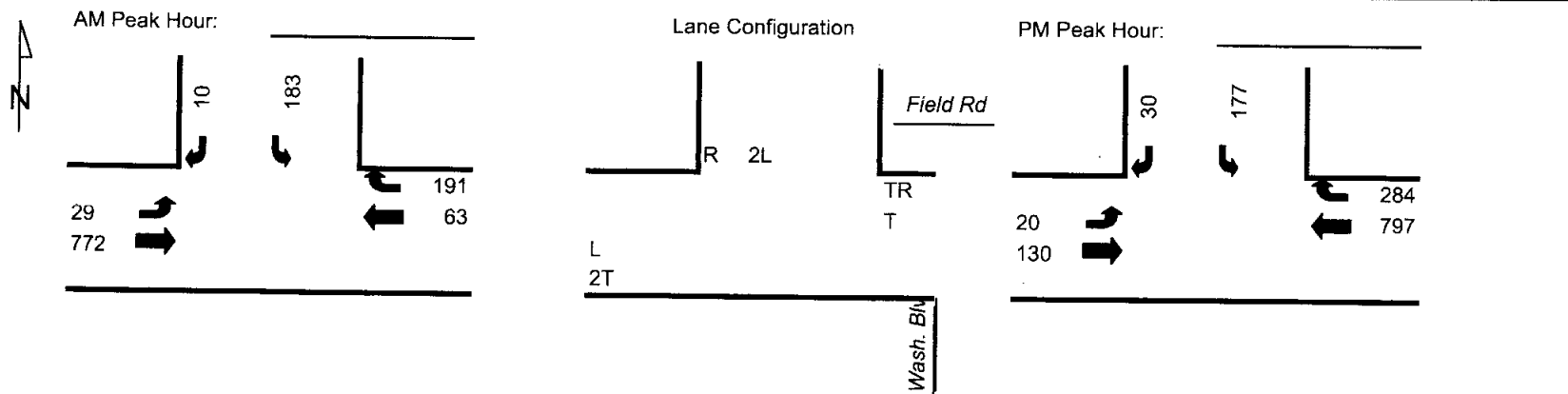
Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	1993	0.37	737	334	1071	*
WB	T	1165	0.30	350	0	350	
SB							
NB	L	82	0.53	43	0	43	*
SUM:						1,115	B

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	1235	0.37	457	225	682	
WB	T	2587	0.30	776	0	776	*
SB							
NB	L	414	0.53	219	0	219	*
SUM:						996	A

Critical Lane Volume Level of Service Calculations

Intersection: Field Road
 At: Washingtonian Blvd
 County/State: Montgomery County
 Scenario/Design Year: Existing Conditions
 Computed by: CFP (3.18.05)

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Intersection Control: Signal x Stop Ways
 RTOR/Overlap (AM): NB SB 10 EB WB
 RTOR/Overlap (PM): NB SB 20 EB WB

Number of Lanes	Lane Use Factor	Level of Service	Critical Lane Volume
1	1.00	A	£ 1,000
2	0.53	B	£ 1,150
3	0.37	C	£ 1,300
4	0.30	D	£ 1,450
2 left	0.53	E	£ 1,600
		F	> 1,600

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	772	0.53	409	0	409	*
WB	TR	254	0.53	135	29	164	
SB	L	183	0.53	97	0	97	*
NB							
SUM:						506	A

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	130	0.53	69	0	69	
WB	TR	1081	0.53	573	20	593	*
SB	L	177	0.53	94	0	94	*
SUM:						687	A

Appendix D

Future Critical Lane Volumes

Critical Lane Volume Level of Service Calculations

Intersection: Sam Eig Highway
 At: Fields Road
 County/State: Montgomery County
 Scenario/Design Year: EX With Office
 Computed by: CFP (3.18.05)



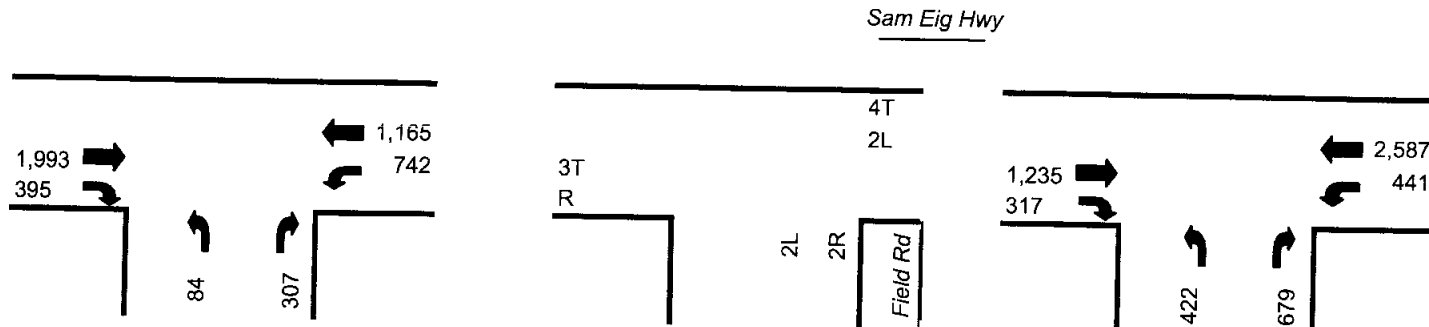
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 Phone: (703)917-6620 Facsimile: (703)917-0739

AM Peak Hour: _____

Lane Configuration

PM Peak Hour: _____



Intersection Control: Signal x Stop _____ Ways _____
 RTOR/Overlap (AM): NB 163 SB _____ EB 45 WB _____
 RTOR/Overlap (PM): NB 234 SB _____ EB 224 WB _____

Number of Lanes	Lane Use Factor	Level of Service	Critical Lane Volume
1	1.00	A	£ 1,000
2	0.53	B	£ 1,150
3	0.37	C	£ 1,300
4	0.30	D	£ 1,450
2 left	0.53	E	£ 1,600
		F	> 1,600

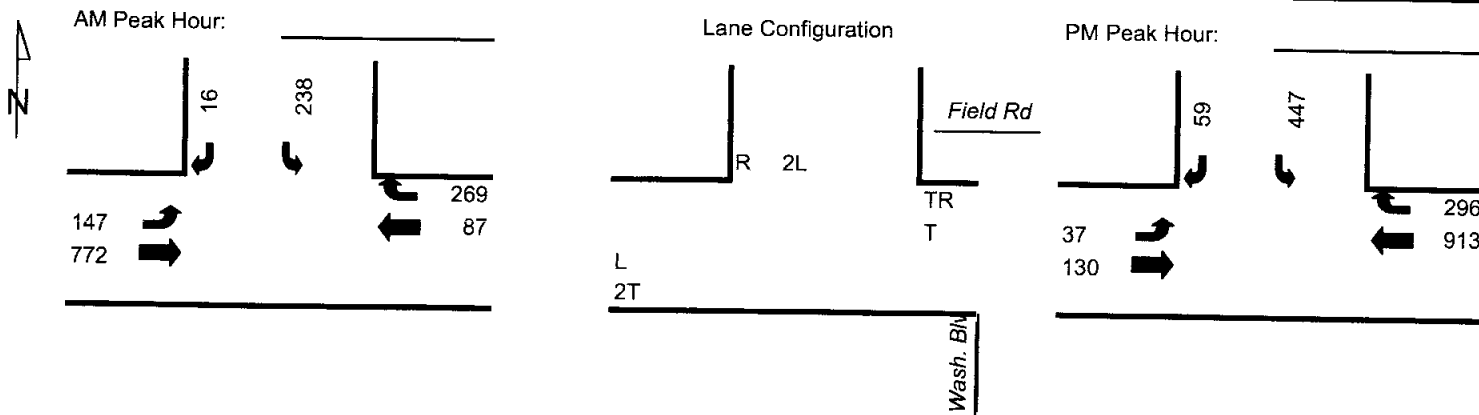
Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	1993	0.37	737	393	1131	*
WB	T	1165	0.30	350	0	350	
SB							
NB	L	84	0.53	45	0	45	*
SUM:						1,175	C

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	1235	0.37	457	234	691	
WB	T	2587	0.30	776	0	776	*
SB							
NB	L	422	0.53	224	0	224	*
SUM:						1,000	A

Critical Lane Volume Level of Service Calculations

Intersection: Field Road
 At: Washingtonian Blvd
 County/State: Montgomery County
 Scenario/Design Year: EX With Office
 Computed by: CLB (3.23.05)

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Intersection Control: Signal x Stop Ways
 RTOR/Overlap (AM): NB SB 16 EB WB
 RTOR/Overlap (PM): NB SB 37 EB WB

Number of Lanes	Lane Use Factor	Level of Service	Critical Lane Volume
1	1.00	A	£ 1,000
2	0.53	B	£ 1,150
3	0.37	C	£ 1,300
4	0.30	D	£ 1,450
2 left	0.53	E	£ 1,600
		F	> 1,600

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	772	0.53	409	0	409	
WB	TR	356	0.53	189	147	336	
SB	L	238	0.53	126	0	126	*
NB							
SUM:						462	A

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	130	0.53	69	0	69	
WB	TR	1209	0.53	641	37	678	*
SB	L	447	0.53	237	0	237	*
SUM:						915	A

Critical Lane Volume Level of Service Calculations

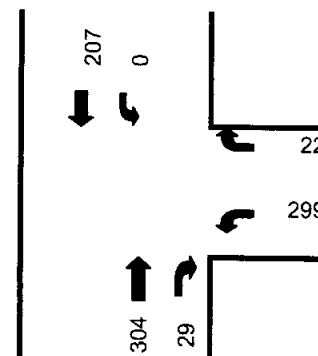
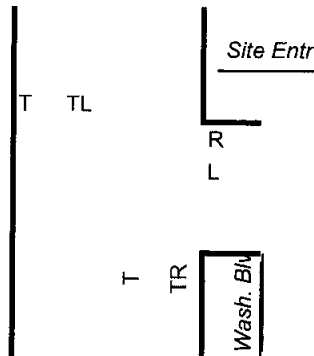
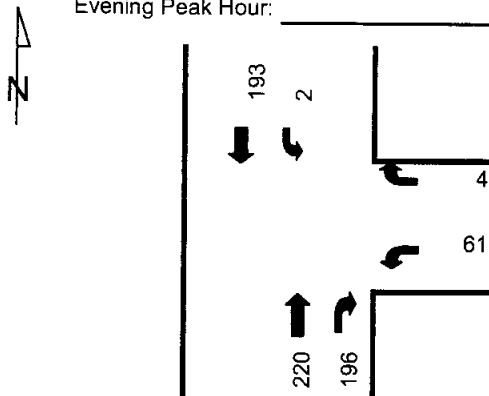
Intersection: Washingtonian Blvd
 At: Site Entrance
 County/State: Montgomery County
 Scenario/Design Year: EX With Office
 Computed by: CLB (3.23.05)

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Evening Peak Hour: _____

Lane Configuration

Saturday Peak Hour: _____



Intersection Control: Signal _____ Stop X Ways _____
 RTOR/Overlap (AM): NB _____ SB _____ EB _____ WB _____
 RTOR/Overlap (PM): NB _____ SB _____ EB _____ WB _____

Number of Lanes	Lane Use Factor	Level of Service	Critical Lane Volume
1	1.00	A	£ 1,000
2	0.53	B	£ 1,150
3	0.37	C	£ 1,300
4	0.30	D	£ 1,450
2 left	0.53	E	£ 1,600
		F	> 1,600

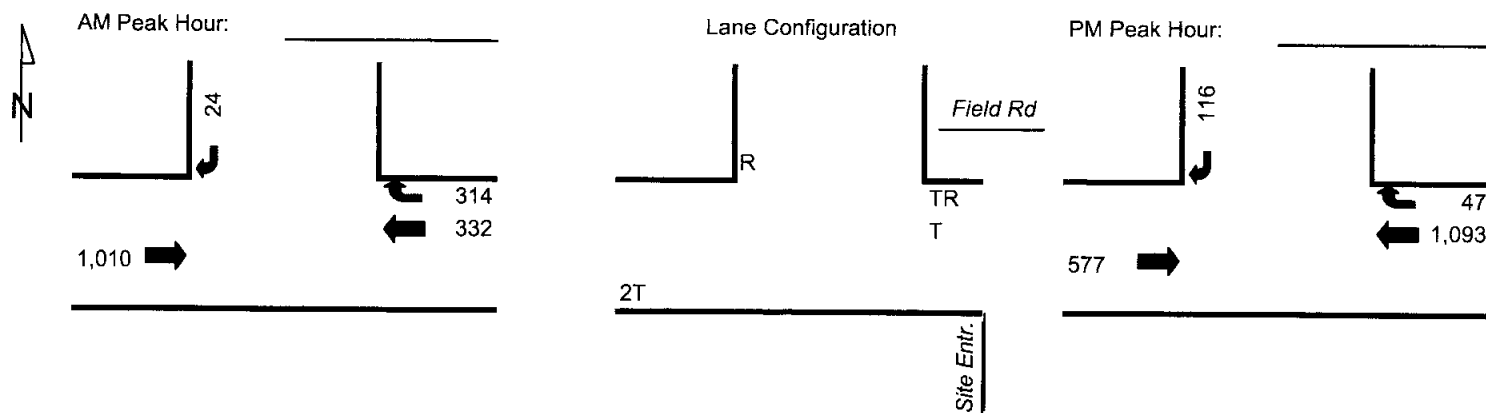
Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB							
WB	L	61	1.00	61	0	61	*
SB	TL	195	0.53	103	0	103	*
NB	TR	416	0.53	220	2	222	*
SUM:						283	A

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB							
WB	L	299	1.00	299	0	299	*
SB	TL	207	0.53	110	0	110	*
NB	TR	333	0.53	176	0	176	*
SUM:						475	A

**Critical Lane
Volume Level of
Service
Calculations**

Intersection: Field Road
 At: Site Entrance
 County/State: Montgomery County
 Scenario/Design Year: EX With Office
 Computed by: CLB (3.23.05)

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Intersection Control: Signal Stop X Ways
 RTOR/Overlap (AM): NB SB EB WB
 RTOR/Overlap (PM): NB SB EB WB

Number of Lanes	Lane Use Factor	Level of Service	Critical Lane Volume
1	1.00	A	£ 1,000
2	0.53	B	£ 1,150
3	0.37	C	£ 1,300
4	0.30	D	£ 1,450
2 left	0.53	E	£ 1,600
		F	> 1,600

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	1010	0.53	535	0	535	*
WB	TR	646	0.53	342	0	342	
SB	R	24	1.00	24	0	24	*
NB							
SUM:						559	A

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	577	0.53	306	0	306	
WB	TR	1140	0.53	604	0	604	*
SB	R	116	1.00	116	0	116	*
SUM:						720	A

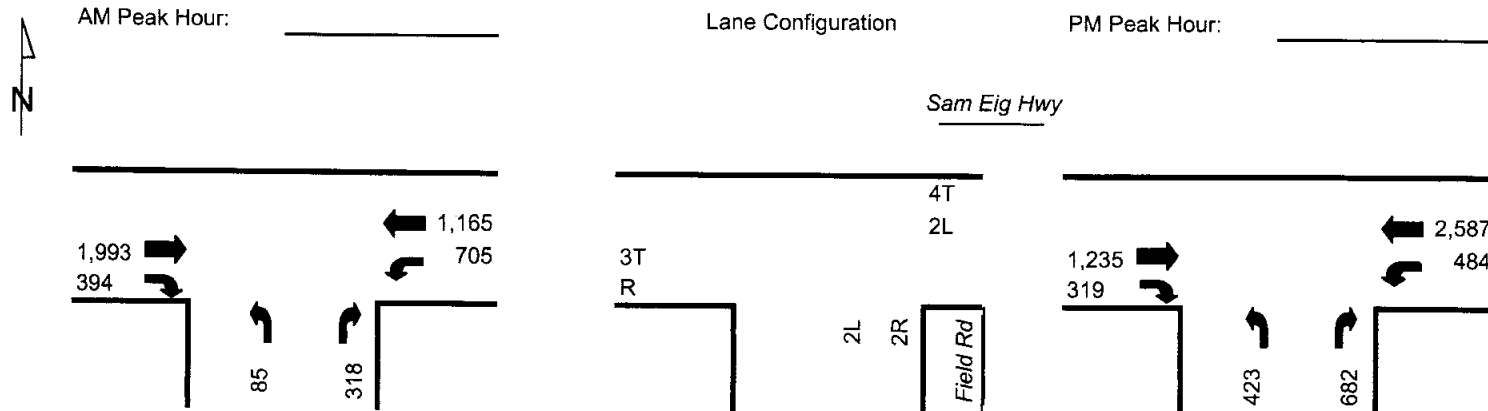
Critical Lane Volume Level of Service Calculations

Intersection: Sam Eig Highway
 At: Fields Road
 County/State: Montgomery County
 Scenario/Design Year: EX With Residential
 Computed by: CFP (3.18.05)



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Intersection Control: Signal x Stop _____ Ways _____

RTOR/Overlap (AM): NB 169 SB _____ EB 45 WB _____

RTOR/Overlap (PM): NB 257 SB _____ EB 224 WB _____

Number of Lanes	Lane Use Factor	Level of Service	Critical Lane Volume
1	1.00	A	£ 1,000
2	0.53	B	£ 1,150
3	0.37	C	£ 1,300
4	0.30	D	£ 1,450
2 left	0.53	E	£ 1,600
		F	> 1,600

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	1993	0.37	737	374	1111	*
WB	T	1165	0.30	350	0	350	
SB							
NB	L	85	0.53	45	0	45	*
SUM:						1,156	C

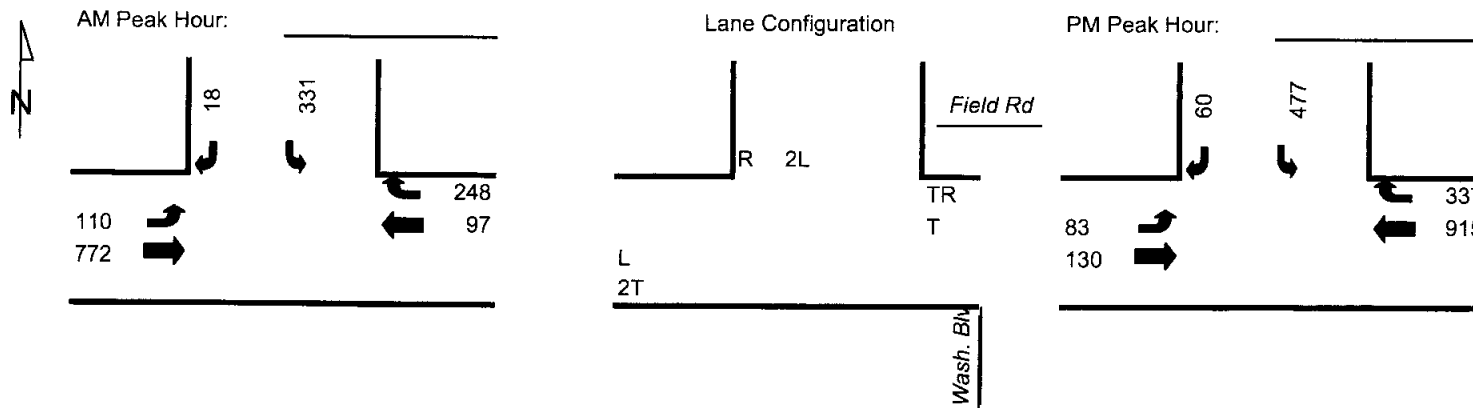
Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	1235	0.37	457	257	713	
WB	T	2587	0.30	776	0	776	*
SB							
NB	L	423	0.53	224	0	224	*
SUM:						1,000	B

Critical Lane Volume Level of Service Calculations

Intersection: Field Road
 At: Washingtonian Blvd
 County/State: Montgomery County
 Scenario/Design Year: EX With Residential
 Computed by: CFP (3.18.05)



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Intersection Control: Signal x Stop Ways
 RTOR/Overlap (AM): NB SB 18 EB WB
 RTOR/Overlap (PM): NB SB 60 EB WB

Number of Lanes	Lane Use Factor	Level of Service	Critical Lane Volume
1	1.00	A	£ 1,000
2	0.53	B	£ 1,150
3	0.37	C	£ 1,300
4	0.30	D	£ 1,450
2 left	0.53	E	£ 1,600
		F	> 1,600

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*	Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	772	0.53	409	0	409	*	EB	T	130	0.53	69	0	69	
WB	TR	345	0.53	183	110	293		WB	TR	1252	0.53	664	83	747	*
SB	L	331	0.53	175	0	175	*	SB	L	477	0.53	253	0	253	*
NB															
SUM:						585	A	SUM:						999	A

Critical Lane Volume Level of Service Calculations

Intersection: Washingtonian Blvd
 At: Site Entrance
 County/State: Montgomery County
 Scenario/Design Year: EX With Residential
 Computed by: CFP (3.18.05)

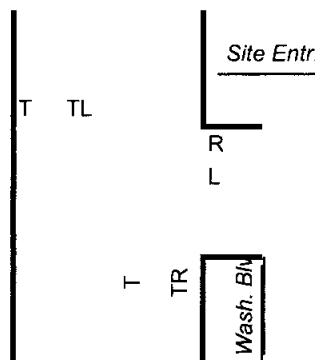
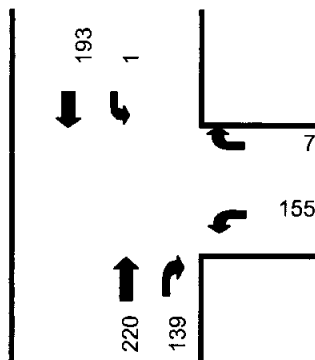


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Evening Peak Hour: _____

Lane Configuration

Saturday Peak Hour: _____



Intersection Control: Signal _____ Stop X Ways _____
 RTOR/Overlap (AM): NB _____ SB _____ EB _____ WB _____
 RTOR/Overlap (PM): NB _____ SB _____ EB _____ WB _____

Number of Lanes	Lane Use Factor	Level of Service	Critical Lane Volume
1	1.00	A	£ 1,000
2	0.53	B	£ 1,150
3	0.37	C	£ 1,300
4	0.30	D	£ 1,450
2 left	0.53	E	£ 1,600
		F	> 1,600

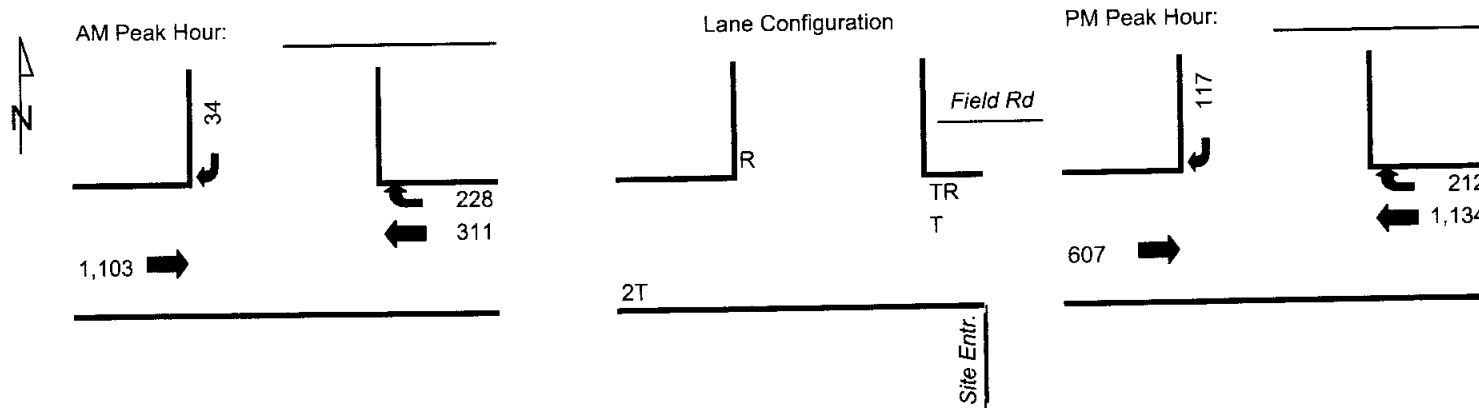
Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB							
WB	L	155	1.00	155	0	155	*
SB	TL	194	0.53	103	0	103	
NB	TR	359	0.53	190	1	191	*
SUM:						346	A

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB							
WB	L	328	1.00	328	0	328	*
SB	TL	208	0.53	110	0	110	
NB	TR	421	0.53	223	1	224	*
SUM:						552	A

Critical Lane Volume Level of Service Calculations

Intersection: Field Road
 At: Site Entrance
 County/State: Montgomery County
 Scenario/Design Year: EX With Residential
 Computed by: CFP (3.18.05)

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Intersection Control: Signal Stop X Ways
 RTOR/Overlap (AM): NB SB EB WB
 RTOR/Overlap (PM): NB SB EB WB

Number of Lanes	Lane Use Factor	Level of Service	Critical Lane Volume
1	1.00	A	£ 1,000
2	0.53	B	£ 1,150
3	0.37	C	£ 1,300
4	0.30	D	£ 1,450
2 left	0.53	E	£ 1,600
		F	> 1,600

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	1103	0.53	585	0	585	*
WB	TR	539	0.53	286	0	286	
SB	R	34	1.00	34	0	34	*
NB							
SUM:						619	A

Phase	Movement	Volume	Lane Use Factor	Lane Volume	Opposing Lefts	Critical Lane Volume	*
EB	T	607	0.53	322	0	322	
WB	TR	1346	0.53	713	0	713	*
SB	R	117	1.00	117	0	117	*
SUM:						830	A

LAW OFFICES

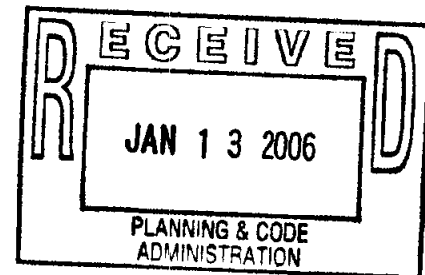
MILLER, MILLER & CANBY

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850(703) 762-5212
FAX (301) 762-6044JAMES R. MILLER, JR.
PATRICK C. MCKEEVER
JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER
JOSEPH P. SUNTUM
SUSAN W. CARTER
ROBERT E. GOUGH
GLENN M. ANDERSON*
MICHAEL G. CAMPBELL
SOO LEE-CHO

*Licensed in Maryland and Florida

January 13, 2006

Mr. John Bauer
Chairman, City of Gaithersburg Planning Commission
City Hall
31 South Summit Street
Gaithersburg, MD 20877Re: Schematic Development Plan 05-006,
Application of The Morgan Group,
"Washingtonian 10"

Dear Mr. Bauer:

Members of the development team for the "Washingtonian 10" project read with interest the recent article in the Gaithersburg Gazette which summarized discussions occurring during the Mayor and Council's recent retreat in Baltimore. The Gazette article provided the development team with insights into how the City wishes to prospectively view development proposals.

I understand that at your session on Wednesday, January 18, you will be considering whether to close the record on SDP 05-006 and then consider this application at your meeting on February 1st. In light of that potential action, would you please allow the Applicant a limited amount of time at the January 18th meeting to supplement its presentation made at the public hearing conducted on January 3rd with information relating to the issues which were the subject of the Mayor and Council's recent retreat. By allowing us a brief amount of time on January 18th, before the record on this application is closed, these comments can be considered part of the record that will be transmitted to the City Council.

Thank you for your consideration of this request to make a modest presentation on January 18th which we feel will place the "Washingtonian 10" project in the context of the City's most current thinking on development applications.

Thank you for your consideration of this request.

Very truly yours,

MILLER, MILLER & CANBY


Jody S. Kline

Cc: Mr. Greg Ossont
Ms. Caroline Seiden
Mr. Fred Felton
Mr. Jon Wood
Mr. Mike Watkins
Brian Donnelly
Mike Workosky



The
Morgan
Group
Inc.

JAN 13 2006

LETTER OF TRANSMITTAL

Transmittal No: 098-06008

To: City of Gaithersburg, MD
Planning Commission

Company: City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877-2098

Re: Washingtonian 10

Date: January 12, 2006

From: Jon C. Wood

Sent Via: Federal Express

We are sending you: ☒ **Attached**
☐ **Under Separate Cover via _____ the following items**

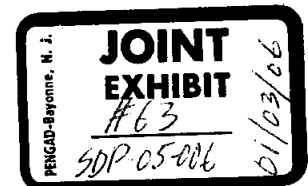
COPIES	DESCRIPTION
6	CD: Washingtonian 10 video clip, site plan and illustrations for:
	John Bauer
	Victor Hicks
	Matthew Hopkins
	Lloyd S. Kaufman (Alternate)
	Leonard Levy
	Danny Winborne

THESE ARE TRANSMITTED as checked below:

- ☐ For Approval ☐ Approved as Submitted ☐ Resubmit _____ Copies for Approval
☐ For Execution ☐ Approved as Noted ☐ Submit _____ Copies For Distribution
☒ For Your Use ☐ Returned for Corrections ☐ Return _____ Corrected Prints
☐ As Requested ☐ OTHER: _____ ☐ PRINTS RETURNED AFTER LOAN
☐ For Review & Comment ☐ FOR BIDS DUE: _____

REMARKS:

Copy the video clip to your computer hard drive for best viewing capabilities.



LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850(301) 762-5212
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SOC LEE-CHO
**Licensed in Maryland and Florida*

January 18, 2006

Mr. John Bauer
Chairman, City of Gaithersburg Planning Commission
Gaithersburg City Hall
31 South Summit Street
Gaithersburg, MD 20877

Re: Schematic Development Plan 05-006,
Application of The Morgan Group,
"Washingtonian 10"

Dear Mr. Bauer:

I would like to reiterate my request that representatives of The Morgan Group be allotted a modest amount of time at this evening's Planning Commission meeting to answer any questions which the Commissioners may have about the "Washingtonian 10 project" and also allow our principal designer, Mike Watkins of DPZ, to correlate Application No. SDP 05-006 to the recent guidance provided by the City Council at its annual retreat.

I just learned that Mr. Watkins will be interrupting a charette which he is attending in Snow Hill, Maryland, and will be making the 3+ hour drive back to Gaithersburg to participate in this evening's review of SDP No. 05-006. We would truly like the opportunity to use Mr. Watkins' talents (and obvious perseverance) to assist the Planning Commission in its deliberations. Mr. Watkins will focus his comments exclusively on answering any Commissioner's inquiries and will "fold" his comments into the larger planning guidelines suggested by the City Council.

We note that this evening's agenda is "light" but we would be glad to present our comments at the end of your meeting so that no person associated with Application No. PI-V050027 is inconvenienced.



Thank you for your attention to this request.

Sincerely yours,

MILLER, MILLER & CANBY

JODY KLINE

Jody S. Kline

JSK/dlt

cc: Greg Ossont
Jon Wood
Mike Watkins

Jody Kline

From: Jon Wood [JonW@morgangroup.com]
Sent: Wednesday, November 30, 2005 11:11 PM
To: Jody Kline; Mike Watkins (E-mail); Lisa Benjamin (E-mail); Brian Donnelly (E-mail)
Subject: FW: Student generation from mid-rise, structure parking communities

FYI...

-----Original Message-----

From: Crispell, Bruce [mailto:Bruce_Crispell@mcpsmd.org]
Sent: Wednesday, November 30, 2005 11:40 AM
To: Chad Edwards; JonW@morgangroup.com
Subject: Student generation from mid-rise, structure parking communities

Chad and Jon,

Following are the numbers you requested. I also was able to do Avalon at Grosvenor Village (a similar product to the others, located at the Grosvenor METRO station with structure parking.)

Park Station 386 units

Grades = # Students

K-5 = 10
 6 - 8 = 4
 9 - 12 = 6

Cedar Court 68 units

Grades = # Students

K-5 = 1
 6 - 8 = 0
 9 - 12 = 0

Windsor Villa 261 units

Grades = # Students

K-5 = 21
 6 - 8 = 6
 9 - 12 = 5

Avalon at Grosvenor Station 467 units

Grades = # Students

K-5 = 11
 6 - 8 = 9
 9 - 12 = 7

If you add all of these up you come up with the following rates per unit:

K-5 = .036 students per unit	$\times 348 = 12.5 = 13$
6-8 = .016 students per unit	$\times 348 = 5.5 = 6$
9-12 = .015	$\times 348 = 5.2 = 6$
	<u>25 total</u>

12/1/2005



9-12 = .015 students per unit

These are consistent with past sampling of this type of apartment/condo project with structured parking.

Bruce Crispell

Director, Division of Long-range Planning
Montgomery County Public Schools
(301) 279-3334

-----Original Message-----

From: Chad Edwards [mailto:chade@morgangroup.com]
Sent: Wednesday, November 30, 2005 9:58 AM
To: Crispell, Bruce
Subject: FW: Cedar Court and Park Station Addresses
Importance: High

Bruce,

Please find the below addresses for Cedar Court and Park Station. Jon needs this information as quickly as possible so that he can have it printed on a board and ready for his meeting Monday night. I realize this is very short notice but if you can help us meet this deadline by getting this info to us as quickly as possible we would be very grateful. Thanks in advance, and please let me know if I can be of any assistance.

Regards,

J. Chad Edwards, Esq.
Development Associate
The Morgan Group, Inc.
480 N. Orlando Ave.
Suite C-222
Winter Park, FL 32789
(w) 407.644.0429
(f) 407.644.0436

-----Original Message-----

From: Jon Wood [mailto:JonW@morgangroup.com]
Sent: Wednesday, November 30, 2005 9:08 AM
To: Chad Edwards (E-mail)
Subject: FW: Cedar Court and Park Station Addresses
Importance: High

Chad,

Below are street addresses for Cedar Court and Park Station. Please transmit these to Bruce Crispell ASAP so he can begin to research them right away. Thanks.

Jon C. Wood
Regional Partner
The Morgan Group, Inc.

Florida Office:
480 N. Orlando Avenue
Suite C-222
Winter Park, Florida 32789
Phone: 407-644-0285

Virginia Office:
46161 Westlake Drive
Suite 230-B
Potomac Falls, Virginia 20165
Phone: 703-433-9994

12/1/2005

Fax: 407-644-0436

Fax: 703-433-9996

-----Original Message-----

From: Andy Brown [mailto:abrown@atlantech.net]
Sent: Monday, October 29, 2001 6:03 PM
To: Jon Wood (E-mail)
Cc: Jon Wallenstrom (E-mail)
Subject: Addresses

Park Station (390 Units) - All street addresses are Gaithersburg, MD 20877

102 Park Avenue
Apartments 101-108; 201-208; 301-308; 401-408

104 Park Avenue
Apartments 101-111; 201-211; 301-311; 401-411

202 Park Avenue
Apartments 101-112; 201-212; 301-312; 401-412

204 Park Avenue
Apartments 101-107; 201-207; 301-307; 401-407

206 Park Avenue
Apartments 101-109; 201-209; 301-309; 401-409; 501-509

208 Park Avenue
Apartments 101-105; 118-119; 201-208; 213-219; 301-319; 401-419; 501-519;
608-613

204 Lee Street
Apartments 104-108; 201-211; 301-311; 401-411; 501-511

205 Lee Street
Apartments 104-110; 201-213; 301-313; 401-413; 501-513

Cedar Court (68 Units) - All street addresses are Gaithersburg, MD 20877

108 Olde Towne Avenue
Apartments 201-217; 301-317; 401-417; 501-517

Andrew K. Brown
Stanford Properties, LC
4909 Cordell Avenue, 2nd Floor
Bethesda, MD 20814
(301)718-1804
abrown@atlantech.net

12/1/2005

Site Plan Issues as of January 27, 2006

SDP-2

- How can these cherry trees remain with construction?
- Master Plan & Annexation Agreement
- 270 Widen
- Approval of Montgomery County entrance on Omega Drive
- Fire/Rescue Issues
- Grading conflicts w/ cherry trees
- Grades for Building "D" not reflected on architectural elevations (grades not shown)
- Permission to grade in State Row needed
- Vertical grades don't match the grades shown by architectural plans
- Plans & architecture plans at Blue circle area don't match
- School Numbers
- Show how traffic flow will work in vet. Lot & grades of that lot
- Grade percentages on drives with parking must be 6%
- Parking Plan of Garages
- Plan provided 1"= 200', No HC
- Building supports for overhangs
- Conflict with parking
- Show areas for Dumpster/Recycling
- Within Building?
- Show passageways
- No parking along entry from Washingtonian Blvd.
- Accessibility (Ramps/ HC spaces)
- Street grades on Washingtonian Blvd.
- Fountain?
- Show/Identify Retaining Walls
- Sidewalks shown on Arch. Video not shown on this plan
- Building Arch must provide noise attenuation
- Show bus shelter locations
- Revise Landscape/Forest Conservation Plan to reflect N.R. I.

SDP-1

- Additional written evidence/statement to support the waiver



TRANSCRIPT OF
JOINT PUBLIC HEARING
ON

SDP-05-006

Proposal for Schematic Development Plan Approval (SDP) for 147,848 Square Feet of Office Use, 55,211 Square Feet of Office/Retail/Restaurant Use and 348 Multi-Family Condominiums With Structured Parking. The subject property is Located in the Washingtonian Center , Parcel K, on Washingtonian Boulevard, South of the Springhill Suites Hotel and north of Negola's Ark Veterinary Hospital and is in the Mixed Use Development (MXD) Zone

BEFORE THE
CITY OF GAITHERSBURG
MAYOR AND CITY COUNCIL
and
PLANNING COMMISSION

on
January 2006

Transcribed by
Doris R. Stokes



PARTICIPANTS

CITY COUNCIL

Mayor Katz
Council Vice President Schlichting
Council Member Alster
Council Member Edens
Council Member Marraffa
Council Member Sesma

PLANNING COMMISSION

Chair Bauer
Commissioner Hopkins
Commissioner Levy
Commissioner Winborne
Alternate Commissioner Kaufman

CITY ATTORNEY

Cathy G. Borten

STAFF

Community Planning Director Schwarz

SPEAKERS FROM THE PUBLIC

Jody Kline, Miller, Miller and Canby
Mike Watkins, Duany, Plater-Zyberk
Christopher Bowyer, Wells & Associates, LLC
Justin Preuninger, 4 Sanders Court
Chantal Preuninger, 4 Sanders Court
Dr. Daniel Negola, Negola's Ark Veterinary Hospital, 21407 Uppermont Lane
Diane Cronin, 25 Bayshore Court
Kimberly Bowers, Employee of Negola's Ark Veterinary Hospital

Katz Trudy if you could please begin.

Schwarz Good evening. This is a joint public hearing on SDP-05-006, Schematic Development Plan as required in development in the MXD or Mixed Development Zone to amend a previously approved schematic development plan numerated as SDP-W4. The property is located in the Washingtonian Center on Washingtonian Boulevard, south of the Springhill Suites Hotel and north of Negola's Ark Veterinary Hospital. The hearing was duly advertised a number of times since we were supposed to have this hearing on December 5, 2005, but the last dates were December 12 and 21, 2005 in the *Gaithersburg Gazette*. And the property was properly posted. At the present time there are 59 exhibits in the record file. They are referenced in an exhibit list in the file. The individual exhibits may be reviewed during the course of the meeting or in the office of the Planning and Code Administration during regular business hours. Any objections to the receipt of any exhibits should be noted prior to the closing of the record; otherwise they will be deemed received in evidence. Representing the applicant tonight, which is The Morgan Group, Inc, is Mr. Kline of Miller, Miller & Canby.

Katz Thank you very much. Mr. Kline.

Kline Good evening. Happy New Year to you also. My name is Jody Kline. I would like to suggest that the presentation that you are going to see and hear this evening is evidence of why the City of Gaithersburg has such high quality development and why you get what you hold out and ask for. Let me explain it. In 2002, a firm from Chicago got approval on this subject property for 350,000 square feet of office use in two buildings with a multi-story parking garage in between, down at the southern tip of the entrance to the City of Gaithersburg. In 2005, and maybe this is all coming back to you now, 2005, The Morgan Group came along and

looked at this site. The Morgan Group is a multi-family apartment developer and they do it well. And the local principles of The Morgan Group had an affiliation with the Archstone multi-family project in the Kentlands. I think most of us think it is an a very attractive project and that was the model of what they thought the City was looking for in terms of new development both in the Kentlands and in Washingtonian. And that was the model that we presented to you in May of this past year. In preparing for this evening, I happened to look at the architecture that we showed you and they really were beautiful buildings. But as I said to you during the work session you had in July, it was very clear that we underwhelmed you with our presentation. You made it clear that that was not the direction you wanted the City to go or the way you wanted this property to go. So since May, what we have been doing is trying to what on a plan that embodied more of what we understood the City was looking for and was a better representation of the design goals that are shown in the development you have already and what I think you will have in the future. Mr. Watkins, Mike Watkins of Duany, Plater-Zyberk is going to stand up here in a minute and he is really going to give you that design description that I can't any soul or life to it all. But, I do want to draw your attention to one thing, in the agenda cover sheet that you have, in the introduction its talking about what this proposal contains, 348 multi-family dwelling units, those are now condominium ownership units, they are not rental units. 147,848 square feet of office use, that was true at the time that we filed the application, but with the urging of your staff, with the cajoling of your staff, our efforts to try and make this into more of what we see coming from the City and the other plans that your are looking at, that number has now been increased to 206,895 square feet of office. Today, what we are proposing this evening contains 261, 406 square feet of non-residential use in this project. More than 40 percent of this project is devoted to non-residential uses. It is a classic mixed used of both employment, retail, shopping, office, residential, and restaurants and that is what Mr. Watkins is going to describe to you. I am going to get out of

the way and let Mike tell you how this project can be a dynamic addition to the Washingtonian and to the City.

Katz Mr. Watkins please.

Watkins Good evening. My name is Mike Watkins. I am the director of town planning with Duany, Plater-Zyberk and Company. I would like to wish you all a Happy New Year. Thanks for the opportunity again to present this project as I'm sure most of you are aware, we have made a prior presentation and refined the work from those presentations. And then there is actually a new, technically a new presentation tonight. There will be more general description followed by the more detail description, including some of those refinements that have been made. Two things to clarify before beginning the presentation of the project in particular. The first is to just emphasize and clarify something that Jody just said. It was after the underwhelming presentation that we got involved. An important point for my sake. And the second thing is I do have a tendency to slip in leave and use the word apartment when I mean what is commonly called a condominium. And the reason is because as a planner and an architect apartment represents a building type. And a condominium represents a legal form of ownership. So we come to speak about apartments even though they may legally be owned or in some cases rented. The developer has threatened to have me wear one of electric collars so that he can zap me every time I use the word apartments instead of condominiums. They are most certainly condominiums tonight in case I slip up. I wonder in I could step over here. As Trudy has already mentioned, and I apologize for having my back to some of you. As Trudy mentioned, the project is adjacent Interstate 2-70 here. This is the Interchange with 370 here; this is the Shady Grove Road interchange in this location and then Fields Road in this location. It's really the last developer piece of the Washingtonian property, although as we have seen, some of the pieces have redeveloped. We have the piece here at

the far end of that property. The prior plans that Jody referred include this scheme for 350,000 square feet of office space in this drawing. I-270 is here and the exit ramp from I-270 to Fields Road is here and then Fields Road is in this location. The hotel shows up in this scheme, but the property is really this piece with two office buildings here. And then what is clearly hopefully is a schematic idea with the location of parking garage in this location which would have been I think the kind of signature icon at the end of the Washingtonian properties. This had only receive schematic development plan approval and not site plan approval so one would hope that had that scheme moved forward that we wouldn't wind up with a parking garage at that location. But anyway, that's the scheme that had received previous approval. Two office buildings in this location and a parking garage here totally 350,000 square feet of office. The Morgan Group first came in with this plan which is another scheme that Jody referred to that proposed a type of apartment building, a perimeter block apartment building that unfortunately encloses the parking garage completely in apartments. But the fault with the scheme that the City pointed out is that it is entirely residential and not only just residential, but even one type. So it was clearly another single use project that had other issues that an entirely residential project of that type that this location would generate. Now, most development these days, the first two issues that wind up being addresses by residents have to do with schools and traffic. They are two of the most important factors. So before going into the design in particular, I wanted to touch on those two. The plan as Jody said that is being proposed tonight is 348 condominiums and 260,000 square feet of commercial space, office and retail space. So it's essentially 90,000 square feet less office space, but 348 are condominiums. The idea is to present a more balanced project. A more balanced program of use for that site. But (inaudible) mentioned residential, rightly so, one of the concerns that you here is what is the impact of schools. This type of residential, the condominiums, there was a study done of over a dozen of those in this area, including a couple in the

City that suggest that in all 12 grades, this project of 348 condominiums of this type would generate 25 students in 12 grades. And that is based on other condominium and apartment multi-family projects in the Gaithersburg area. Those schools, just in case you are interested in which schools they are, those students would be served by the schools in this location, Wootton High School, Frost Middle School and Fallsmead Elementary School to give you an idea of where the students would go. Then the issue of traffic is also high of the list of concerns because it is one of the biggest impacts obviously. What we found and what I realized you all already understand that if you can achieve an appropriate balance of uses, particularly within walking distance, but certainly with approximately to public transportation, you stand the greatest opportunity to reduce dependence on the automobile, reduce the number of trips and so forth. So what this study identified the impact of the mixed of 260 square feet or 348 units on traffic, the most significant change from what is approved now is not unexpected. It is an increase in traffic in the evening. Because when you bring in residents they are of course gone during the day so the traffic that they would generate would be in the evening. But one thing worth noting is that of the major intersections that were studied, the one that was most critical is the intersection of Sam Eig and Fields Road where the impact was essentially negligible. A reduction of 19 total trips in the a.m. and the zero change in trips in the p.m. Chris from Wells and Associates is her tonight if you have questions in particular about the traffic impact. He can do a much better job of explaining the research that went into preparing the studies. As a summary, what you see is not unexpected. A balance of uses is going to produce less dramatic impacts on things like schools and traffic than an entirely single use project on the site would do. So for the design itself, I have a three dimensional view that I think is a little better picture of what we are proposing than a simple plan would and then a series of elevations for the architecture and then video. Some of you may remember that we presented to video to give even a more complete picture still of what the

project might look like. For orientation purposes again, I-270 is here. There's that little off ramp here that only some of us seems to know about, but it's useful. Fields Road is the bottom here just off the picture and then this is a new street that's being proposed internal to the project. One thing that is very clear that is most successful I think about the Washingtonian project so far is the street at the other end of the project that has been created. A wonderful pedestrian friendly street that is terrific for shopping and restaurants and so forth. Because of the lake in between the two, we recognize that it is highly unlikely that the two will ever connect, but we have two thoughts along those lines when we were designing this. Number one, we don't want to be the ones to preclude that possibility, if in fact there were ever that opportunity in the future. We thought that that connection should be as least possible. It would be for others to decide. It can't be dictated just by this project. But we certainly want to be part of that larger system that already has been developed here and in fact, one of the concerns that we address from staff since the last time this was presented is exactly how that connection is made at the end of the street of that intersection. So we have redesigned that because I think that staff could speak for themselves but the impression from the staff is that that connection, the future potential would be desirable to be redesigned in a way that would permit that which we have done. The second reason is that this is a wonderful space in and of itself. Even if it doesn't connect. What you get instead of two office buildings and a parking garage just with empty space in between is a wonderful public space where the ground floor commercial uses can spill out. The café can spill and so forth. So you get a much more active public realm rather than just kind of just left over space between the buildings. We actually started by designing the public realm and then moved into designing the particulars of the building. This scheme proposes in this case the 348 condominium units. In this building that has two private courtyards facing the streets. I say private, half of the courtyard where the retail spills out, it would be public accessible from the sidewalk. And then there is an upper tier, you will

see in a moment that is the private entrance to the apartments above. So there is commercial below and then you step on to the courtyard above and then enter the apartment building at the second level. There is one of the courtyards that is internal so that it is completely private and then the largest one has the swimming pool and all sort of amenities that are free use by the owners of the condominiums. The parking is entirely underground so you don't have that parking structure that we would have to mask with buildings as the previous apartment scheme proposed. Excuse me, I say entirely underground, there is retail facing the street, and there is one level that forms the base of the building toward I-270. I will point that out when I get to the elevations. Across the street on the other block are the office buildings again with retail space on the ground floor and then office space above. The building is six stories when it is internal to the project and then the office building is shorter because it faces the townhouses across the street in this location. There are a few little buildings here. We refer to them as liner buildings that simply mask the views into the parking lots. And then in this case, the view into the hotel parking behind here. So it helps maintain the continuity of the street fabric, the pedestrian experience hereby simply lining the parking front view. But it is still accessible for the cars. There is also parking entirely under this block as well. In fact the parking garage is connected under the street as well. So the entire site is covered by parking underneath, but the structures on the street. This is a bit of an aside, but the issue of affordable housing came up earlier and one of the things to mention while talking about this next balance between office and residential is that affordable housing is of course one part of a larger problem which is creating an affordable lifestyle. Affordable housing wouldn't be much of an issue if all of the other parts of our lifestyle were more affordable. And what I mean by that is one of the more significant things you can do to make housing more affordable is to create an environment which the second car is optional. In America, merely all of us will have one car, but the second car for those that could walk to work for example, could be

optional. AAA this past year said that the cost to own and operate an automobile in this country is \$6,980. If you could spend that same amount of money instead of on a second car, on a mortgage, you could buy housing to the tune of over \$100,000 more, given the interest rates and so forth today. So one of the best moves I think you can make in terms of making our lifestyle more affordable is to enable folks to spend less on automobiles and their operation. In favor of being able to afford housing. So it doesn't sound like much to say, we only spent \$7,000 on that car every year, but by the time you put that into housing which of course appreciates and we get a tax break for, and then you are not putting it into an automobile that obviously depreciates instead, but we can make our lifestyle more affordable. So that is the one reason I think that this idea of swapping, if you will 25 percent of the previously approved office space for the 348 condominiums on this site makes a great deal of sense. Also because of its location between I-270 and the intersection of 370 and Shady Grove Road and then what is proposed to be a future mass transit line, the light rail line along Fields Road. It seems like virtually anyway in the City in close proximity to interstates, two interchanges and a light rail line, this would be the place to approve the higher density, mixed used project. And from the popularity I think of the project where you've done that in the past are downtown here in Gaithersburg, Kentlands and elsewhere. It seems to be something that is well received generally by the public. And not just in terms of the apartment itself, but the public realm that is created as well. Some of the architectural elevations have more, but I just selected a few to give you some idea of what the various buildings would look like. This is one of the office buildings along Fields Road. So you see a couple of the short elevations.....oh you know I missed spoke earlier. In the previous scheme we did have this building shorter to match more closely the townhouses across the street. We have raised which accounts for the increase of the square footage to the 260,000. Recognizing that there was more concern about providing office space on the property then necessarily matching the height across the street. But it

is not taller than the hotel building that is adjacent to it. That's exactly six stories. So just to give you some (inaudible) to the context there. But it is in this case; still the commercial is on the ground floor and then five floors of office space above. Similar, but obviously not identical buildings are these two office buildings that you see here. And then this is the side that faces the street obviously with the awnings and the café tables and so forth to activate the street and then the side that would face the parking lot in the middle of this block. Again, the parking looks small relative to the buildings but remember the site has essentially a parking garage below. The design direction for the buildings facing the highway is different from than that of course for the architecture facing the pedestrian scaled street. So it's a much larger singular move if you will compared to, I'm sorry, this is the elevation that faces 270 and this is the elevation that faces the street internal to the project. This has the retail space on the ground floor and then the smaller scale individual openings above where this is clearly just one continuous move facing the highway. This is prospective image obviously of what that view down the main street might look like, we will get a better sense of this when we see the video, but you begin to see some of the details that are being discussed in the materials that are being proposed for the office buildings on this side and then the condominium buildings on this side. The streetscape for this as we said, we actually had started with a few other ideas than what I am proposing there. There is a particular bench that I'm fond of that I still haven't been able to use in a project where you can sit on both sides of a back. It's a bench I first saw in Paris and they are terrific because, you don't have to determine which way to face the bench. You face out to the sidewalk or face back in towards the buildings. They simply do (inaudible) faces both directions and let the individual decide. So we have a few other ideas in terms of the streetscape details, but as the discussion continued about the fact that we are building in a place that already has great precedent, we simply decided that what we would proposed is that we do simply the same thing that was done at the other end of the Washingtonian to help, if not

physically, at least in terms of the details of the design, make that connection. So, the sidewalk detailing, the planter strip, the benches, the lighting and so forth would bring that same character down to the street at this end. Now with that, if I could persuade Chris to switch to the monitor we do have the video presentation and then I will be happy to answer questions after that. (Video Shown) This is the view if you were driving along 270 heading south; the site is on the right, you just past the hotel. This is the new project here. This is one of the office buildings on the corner. In addition to the street, the two streets and the two courtyards, there is also a public plaza with the fountain in the center. Another view of the public (inaudible). This is one of the courtyards in the condominium buildings. So you see the retail space on the ground floor stepping up the residential courtyard above. We ask your permission to swap 90,000 square feet of office space for the 348 condominium units. I would be happy to answer any questions you may have.

Katz I don't have any of you Mike, but I would like to ask, you said Wells and Associates, your traffic engineers are here? Can I have someone come to the podium, Chris? When he explained that there was a lessening at the intersection of Sam Eig and Fields, was that a lessening if the other buildings were built? Is that what you are suggesting? How did we get a lessening?

Bowyer Yes, it is a comparison of the office that is approved. The 350,000 square feet of office to the proposed office mixed use with residential. The reason why it is a lessening of the critical lane volumes at the intersection and the reason you might get a lessening is there are different directions of approach when you look at residential compared to an office.

Katz I understand that. So its not that it is going to dimension from what's existing there today?

Bowyer Correct.

Katz The increase would be less from the approved?

Bowyer Yes.

Katz Any other questions?

Winborne I have one. When you were talking about number of kids that would yield, were you saying 25 per grade or just 25 in total?

Watkins Twenty-five in total.

Winborne And you got that from where?

Watkins The study that was done of the similar multi-family for the Board of Education. They used; I could put the numbers back up if that is of interest.

Winborne I think we can get it later. I just wanted to know what the source was and 25 total for the 348 units.

Watkins Yes. Two are approximate per grade.

Levy I guess this would go to Chris. On the traffic information you gave us with the schematic, there are no figures provided for the intersection of Washingtonian Boulevard and 370. If I was in that site, that would be what I would be using to get out and if I was coming from the proper direction to get in. Why aren't there stats for that?

Bowyer We did scope the traffic study with staff and it was determined that Fields and 370 would be used.....you right Washingtonian Boulevard does

provide another access point, particularly if you are coming from the east on 370. The idea was that Fields and Sam Eig were critical intersections in this area and so that is why we pin pointed that intersection in particular.

Levy Alright then. I don't agree, but there is nothing that we can do about that right now.

Katz Any other questions?

Hopkins I have a quick question. Mike the Fire Marshal had concerns about truck access to the backside of the buildings, actually three sides and the large depth of the building, there is (inaudible) done on it?

Watkins Yes. You are speaking from the fire access point of view. Yes, that has been addressed and we have satisfied the City staff with that.

Hopkins What is it that you did? Is it a building issue or did you do something from a planning standpoint.

Watkins No we didn't change the number of units or that; there was a small design change. At the end there is the hotel that provided access along that edge and then the setback from the property line provides the space that they were looking for. That wasn't as much the issue as the connection by the hotel.

Hopkins Ok.

Katz Any other questions? Thank you very much. This is a time that the Mayor and Council and Planning Commission hear from anyone who would like to speak on this public hearing topic. We ask that you please keep your remarks to no more than three minutes. I will advise you when you have thirty seconds left of your three minutes so that you can begin to

finish your statement. Please note that any additional testimony that you might have can be submitted to the City in written form and will be a part of the record just as your oral testimony. Please state your name and address for the record. Do we have anyone who would like to speak on this topic? Please.

Preuninger Justin Preuninger, 4 Sanders Court. I worked on something, but then I realized watching your presentation that first of all it wasn't rental and etc., etc. But still a few questions. The density is kind of high you know. We are packing quite a few folks in that small area. And the school figures, that kind looks deceptive, it doesn't look reason. The traffic you know, showing the difference between the previously project and the idea now, rather than actual numbers looks also kind of deceptive in that it doesn't seem to show what it is really going to be. And maybe, those numbers don't sound right with that many houses there. And we lots and lots of apartments already, I don't know why we would need more. We could go to town homes or even lower density than that. People are moving out of the City to places like Laytonsville for example because they are trying to get lower density. We could attract those people down here that way. There are already plenty of people in apartments.

Katz Thank you. Anyone else in the audience please?

Preuninger Chantal Preuninger, 4 Sanders Court. You remember how hard you worked on the Master Plan and now you are taking for a ride. I mean, density is too high. I don't know, they don't look like condominiums, they look like apartment and they don't look nice. They are too high, there is too much density. Twenty-five kids over there. I just can't believe it. (inaudible). It is very creative and leaves me speechless and disappointment. So I hope (inaudible).

Katz Anyone else please?

Negola My name is Dr. Negola, the Negola's Ark Veterinary Hospital. We have close to about 4,000 clients in the Gaithersburg area and we talked a lot about this project of the last several months and I can't say how many people (inaudible), but people that come to me that are in the Gaithersburg area, really enjoy the Kentlands, they really enjoy the RIO, they enjoy this whole concept of having the stores the way they are and having the restaurants the way they are. And they really feel that this is going to be and I feel this is going to be more of a positive thing for the county versus saying it is too much, there is too meeting people, there is too much traffic. I think it would be a really good thing for Gaithersburg and on top of that, these people have been unbelievable for me as Negola's Ark. In the beginning, the people who did it forgot that we even existed. Now what they have done is they have made sure that we got 12 good spaces for parking which we very much needed. So I am prejudice a little bit when talk about it that way, but at the same time, my clients don't know anything about that and they really think that this would be a really great project for the City and I you would be happy if you approve it. Thank you.

Katz Thank you very much. Anyone else, please?

Cronin My name is Diane Cronin. I live at 25 Bayshore Court in Gaithersburg. A group of us actually were going to come last night but apparently the meeting was not last night, but it was tonight. I know Dr. Negola and I'm a client there, I bring my cat and I just think the project would be very good versus the other plan which was to have all office space. I think this is much more mixed, more blending with the RIO and I would also have to say as a client, with animals to bring in, I was aware of the parking spaces. They do have parking problem there and I think it would be excellent. The other clients that I've known for years, we all kind of

gather in the lobby and have appointment around the same time. We would very much like to be able to enjoy what is going to be over there in terms of looks and have some shopping, residents but also some parking spaces as well. Its difficult when you have elderly people or people that are bringing in the animals that are sick and its difficult if they have to park far away. And I understand that there would be more spaces available with this project so I am all for it. Thank you.

Katz Thank you very much. Anyone else please?

Bowers Hi my name is Kimberly Bowers at 21407 Uppermount Lane in Gaithersburg and not only am I a client of Dr. Negola, but I also work for him. I work at the front desk so I do get to see a lot of the clients and speak to them everyday. And all I hear is a lot of positive feedback about the project. So I just wanted to let every know that. Thank you.

Katz Anyone else please? No? It's been suggested that both the Planning and Commission keep their record open indefinitely, what is the pleasure of the Planning Commission?

Bauer Is there a motion for the Planning Commission?

Levy I move that on SDP-05-006, the Planning Commission keep its record open indefinitely.

Winborne Second.

Bauer All those in favor please say aye?

Commission Ayes.

Bauer The Planning moves to keep the record open indefinitely, 5-0.

Katz And what is the pleasure of the Council?

Alster Move that the Mayor and Council keep their record open indefinitely on
SDP-05-006.

Marraffa Second.

Katz It's been moved and seconded. All those in favor please say aye?

Council Ayes.

Katz Opposed? This record is open indefinitely as well, 5-0.

End of Joint Public Hearing
SDP-05-006

4. Reminded the public that the Mayor and City Council will hold their Annual Strategic Planning Retreat on Friday, January 6 through Saturday, January 7, 2006, at the Renaissance Harborplace Hotel, Baltimore, Maryland. He stated that the retreat agenda has been posted on the City's website. Also, minutes will be kept of all public portions of the retreat and will be made available for review. He announced that on Tuesday, January 17, 2006, during the regular Mayor and City Council meeting, City Manager Humpton will provide an overview of what was discussed and accomplished during the retreat, and a public discussion will be held on the Strategic Plan during the City's upcoming FY 2007 budget process.

VII. PUBLIC HEARINGS

1. **An Ordinance to Repeal and Reenact With Amendments, Chapter 5 of the City Code Entitled, "Buildings," and Adopt by Reference, With Certain Modifications, the 2003 International Building, 2003 International Residential, 2003 International Mechanical, 2004 International Energy, and 2003 International Fuel Gas Code**

Senior Plans Reviewer Lee stated the above Ordinance is an administrative measure to update the City's Code and bring the Code into line with State requirements. He asked that the record be held open until January 11, 2006, 5 p.m.

No speakers from the public.

Motion was made by Council Member Marraffa, seconded by Council Member Alster, that the City Council record on the above be held open until 5 p.m. on January 11, 2006.

Vote: 5-0

2. **Joint – SDP-05-006, Proposal for Schematic Development Plan Approval (SDP) for 147,848 Square Feet of Office Use, 55,211 Square Feet of Office/Retail/Restaurant Use and 348 Multi-Family Condominiums With Structured Parking. The subject property is Located in the Washingtonian Center, Parcel K, on Washingtonian Boulevard, South of the Springhill Suites Hotel and north of Negola's Ark Veterinary Hospital and is in the Mixed Use Development (MXD) Zone**

Community and Planning Director Schwarz stated that the above joint public hearing on SDP-05-006, to amend SDP-W4, a previously approved schematic development plan, was advertised on December 12 and 21, 2005 in the *Gaithersburg Gazette*, and the property properly posted. There are currently 59 exhibits in the record file.

Jody Kline, Miller, Miller and Canby, representing The Morgan Group, Inc., a multi-family apartment developer, gave background on the changes to the proposed development. He stated that the new plan is a mixed use community proposing 348 condominiums and 261,406 square feet of commercial, office and retail space.

Mike Watkins, Duany, Plater-Zyberk and Company, gave a design description of the proposed plan which he referred to as the last developer piece of the Washingtonian property. He stated that the project is adjacent to Interstate 270 with other major roadways such as interchange 370, Shady Grove Road, Fields Road and the proposed light rail system. He stated that the developer wanted to create a more balanced pedestrian friendly project with shops and restaurants. Based on a study prepared by the Board of Education, Mr. Watkins stated that the 348 condominiums would generate 25 total students to be served by Wootton High School, Frost Middle School and Fallsmead Elementary School. He stated that the proposed plan would reduce the dependency on the automobile because of the balance of uses in the plan that are within walking distance and public transportation, therefore, lessening the impact on traffic. He reviewed the proposed underneath parking, two courtyards, streetscape, architectural elevations of the various buildings, and public plaza.



In response to Mayor Katz, Christopher Bowyer from Wells & Associates, stated that the lessening of traffic is based on the proposed office mixed use with residential. Several Council Members and Commissioners expressed concern with the results of the studies done for the impact of traffic and students in the area schools and suggested further discussion during a work session. Mr. Watkins mentioned that the fire access concerns have been addressed in the proposed plan.

Speakers from the public were:

1. *Justin Preuninger, 4 Sanders Court*, expressed opposition to the proposed plan due to its high density. He stated that the traffic study numbers seem to be deceptive.
2. *Chantal Preuninger, 4 Sanders Court*, expressed opposition to the high density and any further apartment development for the City.
3. *Dr. Daniel Negola, owner of Negola's Ark Veterinary Hospital, 21407 Upper Mount Lane*, stated he is in favor of the proposed plan and expressed appreciation for the additional parking spaces available to his business.
4. *Diane Cronin, 25 Bayshore Court*, expressed support for the proposed plan stating that it is compatible with the surrounding uses. She stated that the proposed plan would help alleviate the parking problems at the neighboring veterinary hospital.
5. *Kimberly Bowers, employee of Dr. Negola*, expressed support for the proposed plan stating that she has heard positive comments from hospital clients.

There were no other speakers at the hearing.

Motion was made by Commissioner Levy, seconded by Commissioner Winborne, that the Planning Commission record on SDP-05-006, be held open indefinitely.

Vote: 5-0

Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the City Council record on SDP-05-006, be held open indefinitely.

Vote: 5-0

3. **Joint – T-371, An Ordinance to Amend Chapter 24 of the City Code, Entitled, "Zoning," Article III, Entitled, "Regulations Applicable to Particular Zones," Division 22, Entitled, "CD Zone, Corridor Development," Section 24-160G-5, Entitled, "Waiver of Development Standards," to Modify Section 24-160G.5(a) to Permit Waiver of Height Requirements by the City Council for Properties Located in an Employment District, a Commercial District or a Residential District**

Community Planning Director Schwarz stated the above joint public hearing was advertised in the December 12 and 21, 2005 issues of the *Gaithersburg Gazette*, with 11 exhibits in the record file. The text amendment proposes to allow buildings in the Frederick Avenue Corridor District to be built up to eight stories with a waiver. Mrs. Schwarz stated that the existing language only allows the City Council to grant a waiver for eight story buildings in the Employment District, north of Montgomery Village Avenue. She stated that without the waiver, the Residential District allows three stories not to exceed 35 feet and the Commercial District or the Fairgrounds District allows four stories and the Employment District allows six stories.



MILLER, BEAM & PAGANELLI, INC.

CONSULTANTS IN ACOUSTICS, VIBRATION & AUDIOVISUAL SYSTEM DESIGN

WASHINGTONIAN 10
Montgomery County, Maryland

*Environmental Noise
Measurement and Analysis*

MBP # 05-185

Douglas P. Koehn, M.S.
Consultant

December 2, 2005



INTRODUCTION

An acoustical survey has been performed for the proposed Washingtonian 10 residential and commercial development in Gaithersburg in Montgomery County, Maryland. The development site is adjacent to I-270 and subjected to traffic noise. This first stage of the analysis consists of measuring existing noise levels at the development site. As the building design continues we can provide additional analyses to assure the that county's interior and exterior noise criteria are met.

CRITERIA

The most commonly used sound level descriptor which relates the degree of environmental noise to its subjective annoyance is the day-night average sound level, abbreviated DNL or L_{dn} . It is an A-weighted (simulating human hearing and denoted dBA), 24-hour average sound level with levels during the nighttime hours (10 p.m. through 7 a.m.) mathematically increased by 10 dBA to account for increased sensitivity to noise during nighttime hours.

The Montgomery County noise criteria are similar to those of HUD and other government and leading agencies. The interior criterion requires that residential interior noise levels due to traffic or other environmental noises not exceed 45 dBA L_{dn} . The HUD guidelines assumes that normal building construction methods and materials will provide 20 dBA of noise reduction. Therefore, a building with an exterior noise exposure of less than 65 dBA L_{dn} should result in interior levels less than 45 dBA L_{dn} . Buildings exposed to noise levels exceeding 65 dBA may require "better than normal" construction methods and/or materials to achieve interior noise levels less than 45 dBA L_{dn} . Exterior noise levels in recreational areas, such as courtyards, should not exceed 65 dBA L_{dn} .

MEASURED NOISE LEVELS

Between November 30 and December 1, 2005 an acoustical survey was conducted at the Washingtonian 10 site to measure the existing noise levels from I-270. Measurements were made using a Rion NA-27 integrating sound level meter which complies with the ANSI requirements for a Type 1 (Precision) instruments, is under current calibration traceable to NIST, and was field calibrated prior to making the measurements.

The primary noise assessment locations (NAL 1) was approximately 25 feet from the existing chain link fence on the I-270 side of the property. This location is near the proposed location of the building closest to I-270 as shown in the accompanying figure. The microphone was raised to a height of approximately 15 feet above grade to minimize shielding from the ground, as would be the case for the upper building floors.

Maximum (L_{max}) and equivalent energy average (L_{eq}) noise levels were measured in a series of 10-minute periods over a continuous 24 hour period. The 24-hour average noise level at the microphone location was 72.7 dBA L_{eq} . Applying the 10 dB nighttime weighting factor, the day-night average noise level was 77.5 dBA L_{dn} . Thus, the measured noise level exceeds the 65 dBA L_{dn} criterion.

EXTERIOR NOISE LEVELS

As stated above, noise levels in sensitive outdoor recreational areas should not exceed 65 dBA L_{dn} . As currently arranged, the courtyards and pool area are fully shielded from the road noise

by the building itself. Thus, noise levels due to traffic within the courtyards will be less than 65 dBA L_{dn} and, therefore, will meet the exterior noise requirements.

INTERIOR NOISE LEVELS

As the measurements indicate, noise levels at the building face closest to I-270 are as high as 77.5 dBA L_{dn} . The noise will diminish with increased distance from the road and also from shielding by the building itself. It was observed that noise from traffic on the off-ramp on the building's eastern side is insignificant compared to noise from I-270. Projected future traffic increases on I-270 were not available at this time, but are anticipated not to increase the overall traffic noise by more than 1-1.5 dBA. In reality, noise levels likely would not increase this much since increased traffic would likely result in more congestion, slower vehicle speeds, and less noise since slower vehicles produce less noise than faster vehicles.

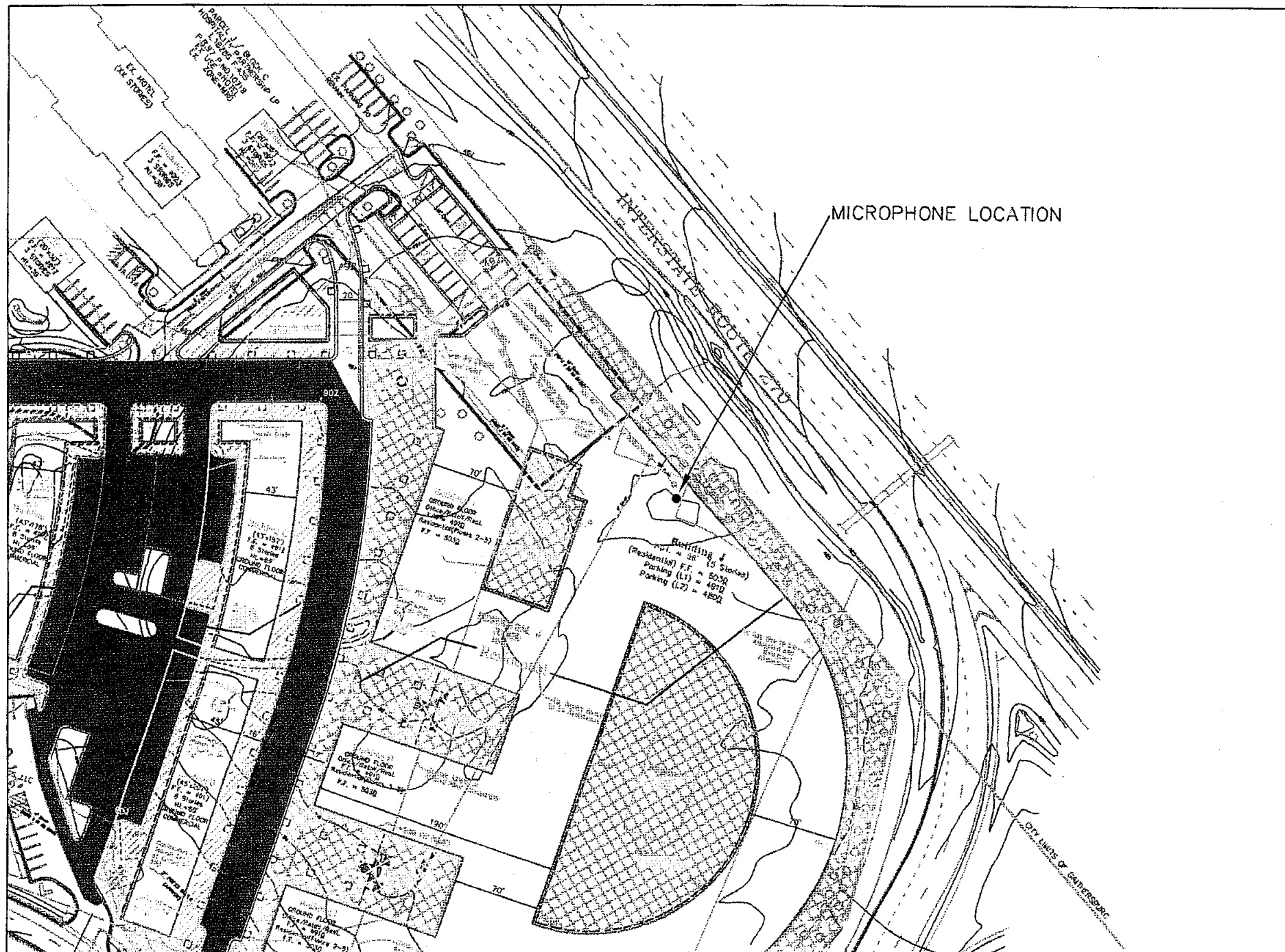
Although beyond the scope of this initial noise assessment, a detailed noise analysis is necessary to assure that the average interior noise levels not exceed the criterion of 45 dBA L_{dn} . This criterion can be achieved, but will likely require using better than typical building materials and proper building shell design. Determining the potential interior noise level is based on the combined sound transmission class (STC) ratings of the proposed walls, windows, and doors; the exterior noise level and spectrum; the area through which the sound is transmitted; and the acoustical absorption within the room.

As the building design progresses, we will work with the architects and design team to assure proper noise mitigation is achieved and the criterion is met. It is noted that generally, assuming a

brick face or masonry exterior, most of the acoustical energy will enter a building through the windows and doors, if applicable. Thus, noise into the unit is best reduced by using windows with a high sound transmission class (STC) rating and/or reducing the percentage of window and patio door area.

CONCLUSION

An acoustical survey was conducted to measure the noise from traffic on I-270 at the proposed Washingtonian 10 residential and commercial development site in Gaithersburg, Maryland. At the building face closest to the road, the noise level was measured to be 77.5 dBA Ldn. It was determined that due to shielding by the building itself, noise levels within the courtyard and pool area are sufficiently shielded so that average noise levels will be less than the 65 dBA L_{dn} exterior noise criterion for recreational areas. As the building design progresses we will work with the design team to provide recommendations of construction methods and materials to assure that the interior noise criterion level of 45 dBA Ldn is satisfied.



MILLER, BEAM & PAGANELLI, INC.

PROJECT: WASHINGTONIAN 10

SHEET:

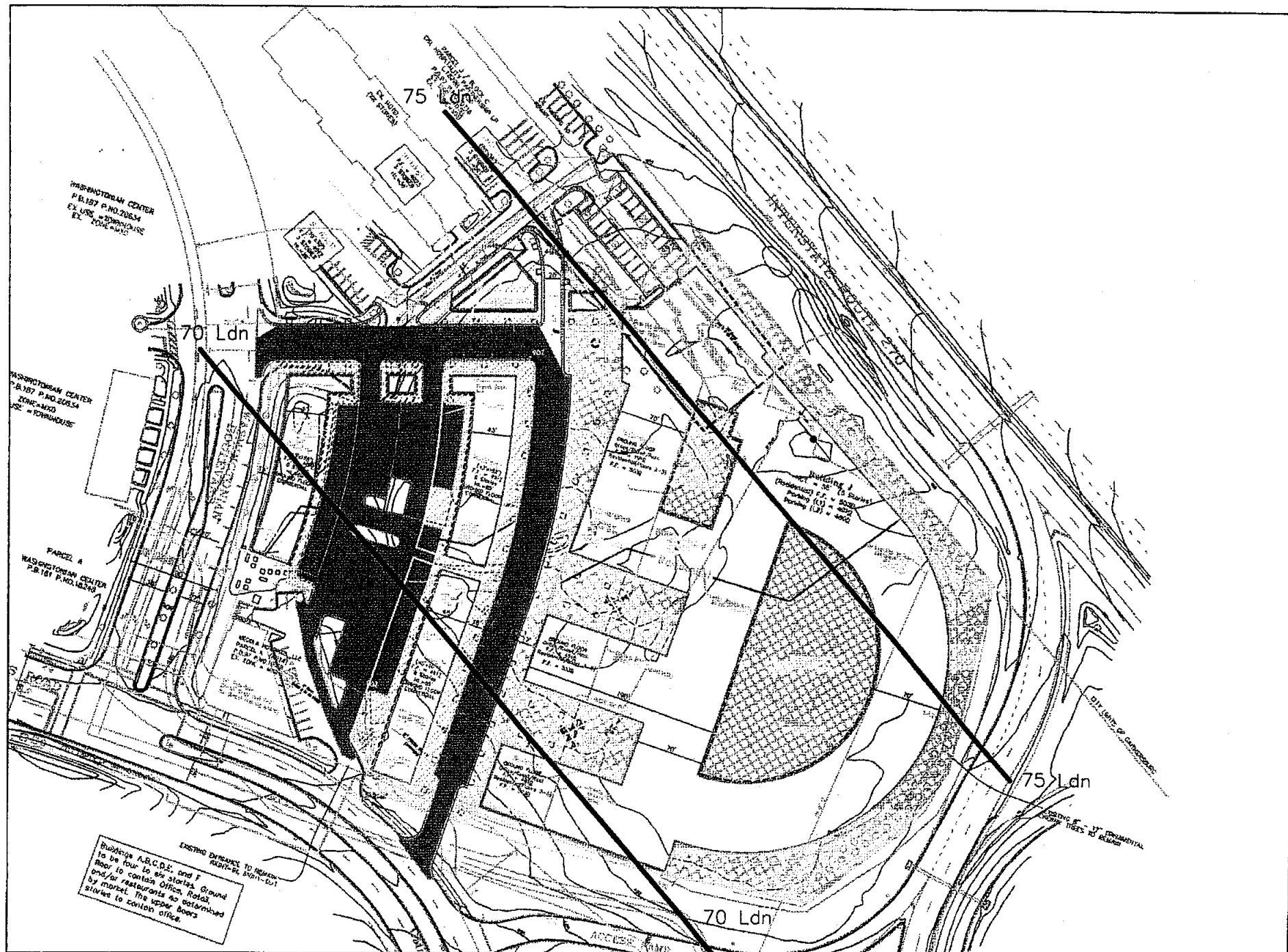
FIGURE: 1

DATE: 12/02/05

SCALE: NTS

TITLE: NOISE ASSESSMENT LOCATION

OF:



MILLER, BEAM & PAGANELLI, INC.

PROJECT: WASHINGTONIAN 10

SHEET:

FIGURE: 2

DATE: 12/05/05

SCALE: NTS

TITLE: UNMITIGATED NOISE CONTOURS

OF:

LAW OFFICES

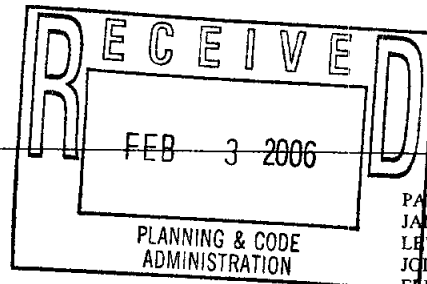
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MICHAEL G. CAMPBELL
SOO LEE-CHO

February 3, 2006

The Mayor and City Council of Gaithersburg
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877

Planning Commission of the City of Gaithersburg
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877

RE: Schematic Development Plan Amendment Application No. SDP-05-006,
Application of The Morgan Group, Inc.;
"Washingtonian 10"

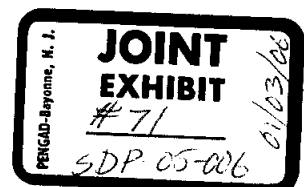
Dear Mayor Katz, Members of the City Council and Members of the Planning Commission:

Along with graphic and other narrative materials that are today being filed with the City regarding the "Washingtonian 10" project, the Applicant, The Morgan Group, Inc., would like to amend and supplement its original proposal to offer an affordable housing program to be incorporated within the residential component of the proposed office, retail and residential mixed use project.

The Morgan Group has noted the City's interest in affordable housing and City Staff has advised the Applicant that development proposals to be submitted in the future will be expected to address this critical local and regional issue. Since Application No. SDP 05-006 is in an advanced state of City review, the opportunity exists for Morgan and the City to collaborate to make the "Washingtonian 10" project the "cutting edge" for the creation of affordable housing in the City of Gaithersburg.

The City's interest in affordable housing is echoed by sister jurisdictions. Last year, Montgomery County began a dialogue intended to address the issue of workforce housing. As part of that study, Maryland-National Capital Park & Planning Commission made several recommendations including:

- A. Concentrate density at or in close proximity to transit centers and along major highways;



- B. Encourage high density mixed use development; and
- C. Incorporate more mixed use communities into upcoming master plans in the I-270 corridor.

The "Washingtonian 10" proposal satisfies these valid planning principles and represents a more modern approach to quality development than was recognized when the original Washingtonian schematic development plan was first adopted in 1991. These planning techniques, in conjunction with the following proposal, will assist the City in addressing affordable housing issues.

To accomplish that goal, The Morgan Group proposes, and will accept as a condition of schematic development approval, that prior to final site plan approval an "Affordable Housing Program Agreement" will have been executed by the Applicant and the City that could include, among other things, the following elements:

1. 12.5% of the total number of condominiums to be constructed in "Washingtonian 10" will be set aside and will be subject to ownership under this specific affordable housing program.
2. The types of dwelling units to be set aside will be in the same proportion (i.e., number of bedrooms) as the total mix of units in the project. Controlled units will be delivered simultaneously with market rate units.
3. Eligibility for ownership of the units will be limited to those persons whose income is between 80% and 120% of the median income in the Washington Metropolitan area (what is commonly termed "workforce housing").
4. A priority for ownership opportunities for City employees shall be established in the agreement detailing how dwelling units are conveyed to new owners, both at the time of the initial sale and at time of subsequent resale. A second priority group could be employees of major employers within the City. The Applicant will engage in an active marketing program with a special emphasis on City employees and persons who work for major employers within the City.
5. The period of control for the designated units will be less than the Montgomery County affordable housing program. (Seven to ten years have been considered subject to further discussion with the City.)
6. Unit owners will be allowed to capture market value increase in an amount greater than the Montgomery County program, but not necessarily full market value appreciation. The amount of market appreciation to be captured by unit owners at the time of resale will be the subject of further discussions with the City during development of the program.
7. The Applicant, or its designee, will administer the agreed upon affordable housing program, but the City could be involved to the extent that it wishes, or could exercise oversight and control through submission by the "operator" of regular reports to the City on the activities and results of the program.

The above information provides the basic framework for an affordable housing program that is appropriate for the "Washingtonian 10" community as well as to create a prototype program to be incorporated in future development proposals in the City. An alternative course of action, which has been utilized by Montgomery County, could be the payment to the City of a sum of money, in lieu of implementing a program such as the one described above, to establish a housing ownership initiative fund to facilitate purchase of units both of "Washingtonian 10" or elsewhere in the City or, there could be a "combination" program of delivery of controlled dwelling units and a financial contribution. The details of either of these programs could be worked out between representatives of The Morgan Group and the City should the Mayor and Council direct us to pursue either of these alternatives. Any of these alternatives could give the City greater discretion to address the affordable housing issue.

The Morgan Group hopes that the Mayor and City Council recognize this Applicant's willingness to adapt its plans, and now programs, to address the issues that are of greatest concern to the City as expressed in accounts of the Council's recent retreat. Morgan feels that an affordable housing program, such as the one outlined above, when incorporated in the "Washingtonian 10" proposal, provides significant public benefits to the City of Gaithersburg and provides further support for the City's approval of the requested schematic development plan.

Thank you for your consideration of this information.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY KLINE". The signature is written in a bold, slightly stylized font with a horizontal line above the first part of the name.

Jody S. Kline

JSK/dlt

cc: David Humpton
Fred Felton
Louise Kaufmann
Greg Ossont
Trudy Schwarz
Jon Wood
Mike Watkins
Lisa Benjamin
Brian Donnelly

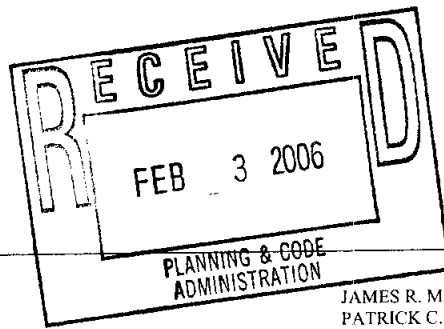
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February 3, 2006

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JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER
JOSEPH P. SUNTUM
SUSAN W. CARTER
ROBERT E. GOUGH
GLENN M. ANDERSON*
MICHAEL G. CAMPBELL
SOO LEE-CHO
*Licensed in Maryland and Florida

Trudy Schwarz
Planning Department
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877

RE: Schematic Development Plan Amendment Application No. SDP-05-006,
Application of The Morgan Group, Inc.;
"Washingtonian 10"

Dear Ms. Schwarz:

In support of its schematic development plan, the Applicant requests that the following materials be incorporated in the record of Application No. SDP-05-006:

1. Letter dated February 1, 2006 from James M. Greenan, attorney for Dr. Dan Negola, consenting to the closing of the existing driveway to Dr. Negola's veterinary clinic (with conditions) in conjunction with development of the "Washingtonian 10" project.
2. A petition signed by numerous clients of Dr. Dan Negola, of Negola's Ark Veterinary Clinic, supporting the "Washingtonian 10" schematic development plan application due to its benefits to the "Washingtonian" area and the City of Gaithersburg.
3. A letter from Rick Farren, Senior Vice President of McShea & Company, the real estate leasing firm handling matters related to the "Lakefront" office building in Washingtonian. Mr. Farren notes strong leasing interest for office space in the 10,000-15,000 square foot range per tenant (and, conversely, little interest in larger or "full floor" space). The "Washingtonian 10" project is being designed to cater to this mid-size office user and the Applicant notes Mr. Farren's observation that office uses combined with ground floor retail and restaurants should enjoy strong market acceptance.



Thank you for your attention to this request.

Sincerely yours,

MILLER, MILLER & CANBY

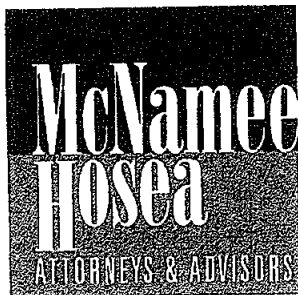
JODY KLINE

Jody S. Kline

JSK/cas

Attachments

cc: Jon Wood
Mike Watkins
Brian Donnelly
Lisa Benjamin



McNamee, Hosea, Jernigan, Kim,
Greenan & Walker, P.A.

James M. Greenan, Principal
Admitted in Maryland, DC

Email: jgreenan@mhlawyers.com
Web: www.mhlawyers.com

February 1, 2006

The Mayor and City Council of Gaithersburg
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877

City of Gaithersburg Planning Commission
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877


Re: **Application No. SDP-05-006,**
Application of The Morgan Group, Inc.
"Washingtonian 10"

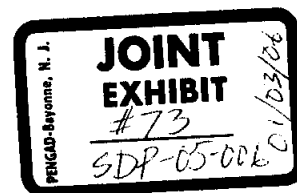
Dear Mayor Katz, Members of the City Council and Members of the Planning Commission:

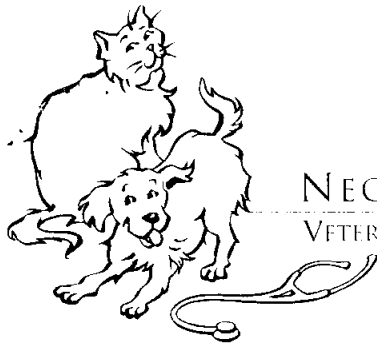
I have discussed with The Morgan Group their inability to have a driveway on Omega Drive for their proposed Washingtonian 10 project if our existing driveway on Omega Drive remains operational. We have agreed with The Morgan Group to close our driveway on Omega Drive to allow Washingtonian 10 to have a driveway on Omega Drive provided The Morgan Group grants us (i) a perpetual, non-exclusive access easement to access our property through the Washingtonian 10 driveways on Omega Drive and Washington Blvd (ii) a perpetual easement to use fourteen (14) parking spaces on the Washingtonian 10 property that are adjacent to our property (iii) pays all cost associated with the requested modifications and improvements (iv) will maintain clear and unobstructed access to our facility at all times during construction (v) the Washington 10 will not lease any space to a veterinarian practice or pet goods supplier so long as the Negola building is being used as a veterinarian clinic. The Morgan Group and I have agreed to memorialize this arrangement upon their receipt of Schematic Development Plan Amendment approval for Washingtonian 10. The agreement, easement(s) and Plan will be subject to my attorney's review and approval.

Please contact me if you have any questions. Thank you.

Sincerely,


James M. Greenan, Esquire,
Attorney for Danny Negola, DMV





NEGOLA'S ARK
VETERINARY HOSPITAL

9401 Fields Road, Gaithersburg, Maryland 20878 301-216-0066 Fax 301-216-9780

DANIEL C. NEGOLA, DVM, ABVP

Diplomate, American Board of

Veterinary Practitioners

Certified in Canine and Feline Practice



WE HAVE RECEIVED PLANS FOR A MIXED USE DEVELOPMENT ADJACENT TO DR. NEGOLA'S BUILDING. WE SUPPORT THE PROPOSAL OF THE MORGAN GROUP TO CHANGE THE USE FROM OFFICE, TO A MIXTURE OF OFFICE, RETAIL AND RESIDENTIAL USES. WE UNDERSTAND THAT THE MORGAN GROUP (WITH PERMISSION FROM THE CITY OF GAITHERSBURG) IS PROVIDING FOR 15 PARKING SPACES THAT WILL BE ALLOTTED FOR NEGOLA'S ARK VETERINARY HOSPITAL, BY RIGHT-OF-WAY, OR LEGAL DOCUMENT. WE ARE LOOKING FORWARD TO WATCHING THIS NEW ADDITION TO GAITHERSBURG GET UNDERWAY.

NAME

ADDRESS

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Gaithersburg, MD 20882

Aneisha Shapenna

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Gaithersburg, MD, 20877

Jennie Howland

14131 saddle River Drive
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Cynthia Walter

2 Settlers Landing +
Gaithersburg, MD 20878

Egonowski

9401 Fields Rd.
Gaithersburg, MD 20878

Jana Lashmit

19442 Brassie Pl

Nalanie Bryant

Montgomery Vill. 20886

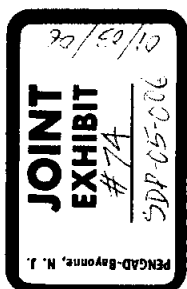
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Rockville MD 20850

Lidy A M Hernandez

10047 Ridge Line Dr.
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KYLE KNIGHTON



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June Ben

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Betsy Knowles

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Marc Marks

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Gail Webster Sanders

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Charlie Fowler

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Meg Sykes Meg Sydnor

23601 White Peach Ct.
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Becca Liberty

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Gaithersburg, MD 20878

Samantha Shuler

Samantha Shuler
6 Delphinium Ct
Rockville MD 20853

Greg Lewis
Kathy Howard

Pat Lewis

~~PATRICIA Leppert~~

Takako Shimoda

Lina Rains

~~[Signature]~~

~~[Signature]~~

Dawn Bernas

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Hill Saddle River
Gaithersburg, MD 20878

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Takoma Park, MD 20912

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Silver Spring, MD 20901

8 Cross Tie Court
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Walter Sierver

10428 Dalebrooke Ln.
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Robyn Fero

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Denise Landman

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Mont. Village, MD 20886

Richard Klein

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Mont. Village, MD 20886

Charles Lewis

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Meg Virker

1532 Quince Ridge Lane
North Potomac MD 20878

Herman Virker

1532 Quince Ridge Lane
N. Potomac MD 20878

Hugh McQuate

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Cheri Hendrix

Mary Lou Mason

Gary Garrett Moore

Alicia Robertson

Mary Ann

Margaret

Rodan

Carlisle Kruger

Robert M. B.

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24234 Hawkins Landing Dr
Haymarket VA 20852

Anne Deslattes Mays

Terry Nelson

CAROL WEISS

QUENTIN R. BERNARD

Paul Brown

Juan Guana

~~XXXXXXXXXX~~

Norene + Zoe Rosenthal

John Fagleton

Jamie Moran

ROBERT HARWIN

Gary Lewis

Donna Sanford

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Graig Bernas

Karen Decker

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4704 Washingtonian Blvd
Gaith MD 20878

15620 Marathon Circle 303
Gaithersburg, MD 20878

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ROCKVILLE MD 20853

7512 Planter Ln
Gaithersburg, MD 20878
16900 Freedomway
Rockville MD 20854

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FREDERICK, MD 21703

7920 Lochness rd

Olney, MD 20832

4706 Widdup Ct
Ellicott City, MD 21043



**McShea & Company, Inc.
Commercial Real Estate**

One Bank Street
Suite 300
Gaithersburg, MD 20878

Phone 301/948-9870
Fax 301/869-7201
www.mcsheaco.com

January 30, 2006

Mayor Sidney Katz and City Council
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Dear Mayor Katz and members of the City Council:

McShea & Company, Inc. is the real estate leasing firm representing Fountain Square Properties in the marketing and leasing of office space at Lakefront at Washingtonian. The five story building is located at 9841 Washingtonian Boulevard, and features 18,000 square feet of ground floor retail space and 85,874 square feet of Class A office space on floors 2 through 5. At this time, there are leases out for signature for the fifth floor and second floor, and letters of intent are being negotiated for floors three and four. The fifth floor potential tenant is a full floor user at 21,700 square feet, the other potential tenants are all in the 5,000 to 15,000 square foot range. They represent a mixture of financial services and information technology firms. The lease rates are \$35 full service which includes a \$35 per square foot tenant improvement allowance. The building will deliver in May, 2006.

The leasing prospects for Washingtonian Center have been heavily concentrated in the service sector, and typically in the 10,000 to 15,000 square foot size range. No multi-floor users, or firms requiring 40,000 square feet and above have pursued leasing deals in this building. Most firms are attracted to Lakefront at Washingtonian due to the benefits of working in a mixed use environment, and the aesthetics of the lake views.

I believe additional office space offering 10,000 to 20,000 square foot floorplates would be extremely well received based on our activity at Lakefront. The combination of ground floor retail/restaurant uses with Class A office space above would provide the ultimate combination to continue to attract firms to this destination location.

If you have any questions or would like additional information, please don't hesitate to contact me at 301-417-2566. Thank You.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Farren", with a long horizontal flourish extending to the right.

Rick Farren
Senior Vice President
McShea & Company, Inc.



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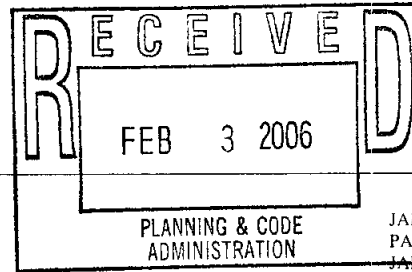
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MICHAEL G. CAMPBELL
SOO LEE-CHO
**Licensed in Maryland and Florida*

February 3, 2006

Ms. Trudy Schwarz
Department of Planning and Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877

RE: Schematic Development Plan Amendment Application No. SDP 05-006,
Application of The Morgan Group, Inc.
"Washingtonian 10"

Dear Trudy:



In accordance with your request, I am pleased to submit the following information in support of the applicant's request for a parking waiver in order to reduce the total number of spaces for "Washingtonian 10" to 1,324 spaces.

The underlying basis for the parking waiver request is the proven fact that mixed use projects, particularly those like "Washingtonian 10" which incorporate office, retail and residential uses in an integrated development, have parking needs that are less than the sum of the parking spaces required for each of the respective components of the project. Research and experience has shown that parking for office, retail and residential uses peak at different times of the day. For instance, weekday office parking demand is highest in the mid-morning through to the mid-afternoon. During that same period, parking needs for residential uses is at its lowest. Conversely, during the weekend, parking required for residential use is high while parking demand for office uses is almost non-existent. This theoretical phenomenon has been observed by professional planners, including members of the City Staff, as well as by members of the development team.

For the reasons above, many municipalities, the City of Gaithersburg among them, have adopted "shared" parking ordinances which recognize the complementary nature of parking patterns for specific use groups. "Washingtonian 10" is a thoroughly integrated mixed use development with a parking configuration that lends itself to a shared parking arrangement.

The reason that this Applicant applied for a parking waiver to reduce the number of total parking spaces required was because the City, when it added a shared parking formula to its Zoning Ordinance (Section 24-219(c)), for reasons we have not been able to determine, elected not to include "residential" uses as one of the categories of uses to be included in a shared parking

calculation. Therefore, under the City's Zoning Ordinance, shared parking at the "Washingtonian 10" project would be based on a limited mix of office and retail uses. Obviously, that calculation avoids the substantial benefits that are realized when the more complementary uses of office and residential are allowed to work together to reduce unnecessary parking.

To demonstrate what would be the probable demand for parking for a fully integrated mixed use project such as "Washingtonian 10", the Applicant utilized the experience of Montgomery County embodied in its shared parking use table (Section 59-E-1(a), Montgomery County Zoning Ordinance, attached). This Zoning Ordinance provision, which was adopted in 1984 and has been lauded for its foresight, confirmed the complementary character of office and residential peak parking periods. Because of the success of Montgomery County's "shared" parking formula, the Applicant thought that it could be a good model, and would provide technical support, for the request for a parking waiver which has been calculated using the proven Montgomery County techniques.

Interestingly, the annexation agreement covering the subject property (Section 7(b), page 5) notes that Montgomery County approved parking spaces for Washingtonian (approved prior to annexation), including "...credits for shared parking...", would be treated as "conforming development". Accordingly, the concept of shared parking has been applied elsewhere within "Washingtonian" and should, logically and practically, be extended to this property.

We hope that this supplemental submission provides Staff with additional justification for the granting of the requested parking waiver. Please contact me if you need more information on this subject.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY KLINE". The signature is written in a bold, slightly stylized font with a horizontal line above the first few letters.

Jody S. Kline

JSK/dlt

Enclosure

cc: Jon Wood
Brian Donnelly
Mike Watkins
Mike Workosky
Lisa Benjamin

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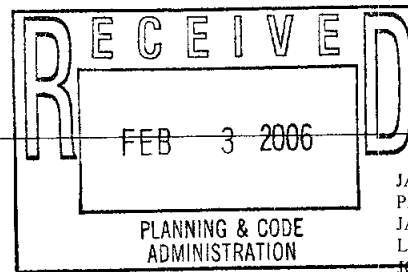
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SOO LEE-CHO
**Licensed in Maryland and Florida*

February 3, 2006

Ms. Trudy Schwarz
Department of Planning and Code Enforcement
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877

RE: Schematic Development Plan Amendment Application No. SDP-05-006
Application of The Morgan Group, Inc.
"Washingtonian 10"

Dear Ms. Schwarz:

In support of its request for schematic development plan approval, The Morgan Group submits the following explanation about how its application satisfies the requirements of Section 24-160D.10(b)(3) of the Gaithersburg Zoning Ordinance for conformance with the City's Master Plan.

The subject property commonly known as "Washingtonian 10" is located within Special Study Area 5 ("Washingtonian Center"). The property is zoned in the MXD ("Mixed Use Development") classification and the master plan notes that the Washingtonian complex is improved with "Commercial-Office-Residential" uses.

The subject property is specifically addressed in the Master Plan as Map Designation 3 within Special Study Area 5 (pages 113-114). The text of the Plan recommends that the preferred use for the property to be "commercial/industrial-research-office and institutional". However, text in the Master Plan notes that if the property is not developed exclusively with office buildings, then "commercial/office" uses should be considered encompassing a number of uses including ancillary retail and restaurants.

This Applicant has surpassed the Master Plan recommendations by proposing a project that contains 1) office (in a substantial amount); 2) ground floor retail, including restaurants and the



activating influence of 3) residential in the form of "for sale" condominiums. Therefore, the following factors indicate that "Washingtonian 10" conforms to the Plan's recommendations:

1. The Master Plan recommends mixed use for Study Area 5, a goal that is satisfied by this proposal.
2. That the "themes" found in the City's Plans and policies, as described in a companion letter from Mike Watkins, of Duany Plater-Zyberk, are better satisfied by Washingtonian 10 than by the approved all-office proposal for the subject property.
3. Land use recommendations found in a Master Plan should be viewed as "guides" to allow flexibility to achieve the Plan's goals.

You also asked that the Applicant address the conformance of the subject application with any controlling directives found in the Annexation Agreement (X-159) covering the entire "Washingtonian" property. We find that Paragraph 3 of the July 9, 1991 Agreement states that the properties of the private sector parties to the Annexation Agreement will have the right to develop up to 4,525,000 square feet of building area in accordance with a schematic development plan (Exhibit I) attached to the Annexation Agreement (which shows the subject property developed with two office building structures and a detached "parking deck"). Paragraph 3 goes on to state:

"...that further development of the [Annexors' properties] will be subject to the remaining Site Plan process...unless subsequent amendments are requested by [the Annexors] or by any party on its own behalf, and any successors or assigns of any party, in which case said amendments shall be subject to the amendatory process for the MXD zone."

SDP Application No. 05-006 seeks to amend the current approved schematic development plan (one-dimensional, all office) and replacing it with a dynamic mixed use project which retains sufficient office use but adds to it retail/commercial and residential components. The original Annexation Agreement allows amendments to the original schematic development plan, a course of action which Applicant is now pursuing. Therefore, the Annexation Agreement does not need to be amended in order to accommodate the proposal of The Morgan Group.

Thank you for your consideration of these comments.

Sincerely yours,

MILLER, MILLER & CANBY



Jody S. Kline

JSK/dlt

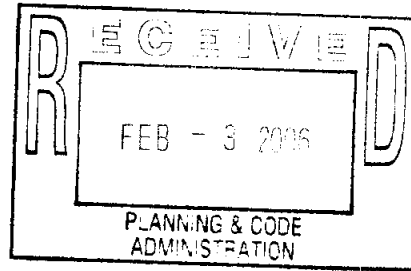
Enclosure

cc: Jon Wood
Brian Donnelly
Mike Watkins
Lisa Benjamin

DUANY PLATER-ZYBERK & COMPANY
ARCHITECTS AND TOWN PLANNERS

February 3, 2006

The Mayor and City Council of Gaithersburg
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877



and,

The Planning Commission of the City of Gaithersburg
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877

RE: Schematic Development Plan Amendment Application No. SDP-05-006, "Washingtonian 10"

Dear Mayor Katz, Members of the City Council and Members of the Planning Commission:

As the Director of Town Planning for Duany Plater-Zyberk & Company, the designers of "Washingtonian 10," it is my pleasure to expand on the reasons I believe the Washingtonian 10 Schematic Development Plan warrants your approval.

It was with great interest that I read Jaime Ciavarrá's piece entitled "Gaithersburg council debates controls on growth" in the January 11, 2006 edition of the Gaithersburg Gazette. In that article she reports on several comments made during your recent brainstorming retreat and I would like to be the first to follow one of your suggestions as reported in that article.

"A major concern," said Councilwoman Geri Edens, 'is whether the city is adhering to the master plan, a document created with resident support that guides Gaithersburg's land use.' The master plan themes "are supposed to provide for the vision, and they sound great, but they're not being applied in any way to what we're doing," she said. Some suggested that developers be required to present the city with a checklist of how their proposed projects fit in with Gaithersburg's master plan."

This is an *excellent* suggestion. It assumes, of course, that the master plan reflects the current best interests and intentions for the future of the City, but that is a reasonable starting point. Let's make a checklist of the City's Master Plan Themes and see how Washingtonian 10 stacks up.



4.1 Identity. Gaithersburg is a community that has a remarkable sense of place, with a distinct identity and strong heritage, characterized by attractive public spaces.

Washingtonian 10 contributes to Gaithersburg's sense of place in several ways.

- ☐ W10 reinforces the spatial definition of Washingtonian Boulevard by placing the fronts of buildings along the sidewalk. One could easily make the case that W10 does a much better job of this than the previously approved plan for the subject site as well as the as-built conditions of several neighboring properties which have a parking lot along the sidewalk. I trust you will agree. The parking lot between the building and the street is decidedly a suburban configuration and antithetical to the stated goals of "remarkable sense of place, with a distinct identity and strong heritage."
- ☐ W10 creates a new street that parallels Washingtonian Boulevard in the same manner in which Grand Corner Avenue parallels Washingtonian Boulevard at the other end of Washingtonian. This new street provides access to the proposed buildings from both Washingtonian Boulevard and from Omega Drive. Furthermore, it provides the potential for a continuation of this parallel street through adjacent properties to Grand Corner Avenue in the future. This new street offers a seamless active pedestrian environment lined with commercial uses thus expanding Gaithersburg's sense of place.
- ☐ W10 creates a plaza at the intersection/bend in this new street that provides a place for a larger group of people to gather. A work of civic art, shown as a fountain in the illustrations provides a focal point in the center of the plaza. Sufficient space is provided at the base of the buildings adjacent to the plaza to allow for restaurants and cafes to extend seating and tables into the plaza.

More specifically, 4.1 includes several Objectives and Action Items. Among them:

4.1 Objective A: Improve the Appearance of City Boundaries.

- ☐ The design itself of the W10 radial building adjacent to the I-270 exit ramp is a striking resolution of the dynamic Rio skyline. With the taller buildings unmistakably identifying the center of this neighborhood, the sweeping horizon curve of W10 marks the edge of both this neighborhood and the City in a complimentary and memorable fashion.

4.1 Objective B: Design Attractive Public and Private Outdoor Places such as Parks, Squares, Streetscapes and Courtyards.

- ☐ W10 completes the streetscape of Washingtonian Boulevard in a manner as good as or better than its predecessors.
- ☐ W10's design includes a new street fashioned after Washingtonian's Grand Corner Avenue.
- ☐ W10 includes a public plaza.
- ☐ W10 includes several private courtyards shaped by the residential condominiums.

Action 1: Require developers to install art in public places where appropriate.

- ☐ W10's public plaza proposes civic art at its center, represented by a fountain in the illustrations.

Action 4: Enhance City identity of existing parks through signage, trash receptacles, landscape, lighting, etc., that is truly unique to Gaithersburg.

- ☐ W10's streetscapes replicate the signage, trash receptacles, landscape, lighting, etc. of Grand Corner Avenue.

4.1 Objective C: Improve the Appearance of the City

Action 4: Require developers to install enhanced streetscape with all development and redevelopment.

- ☐ W10's developer has proposed an enhanced streetscape for its new streets.

4.3 Town Centers. Gaithersburg is a community that...affirms the designations of the existing Town Centers which offer compact and efficient neighborhoods with vibrant centralized community-based focal points that attractively combine commercial, housing, civic, cultural, educational, transportation, and recreational opportunities.

4.3 Objective B: Continue to Foster the Success of Washingtonian as a Regional Town Center.

Action 3: Encourage office, rather than residential, for the remaining density.

The proposed design does not include the total amount of commercial office space approved in the previous plan. It does, more importantly, encourage the development of the commercial component in a timely manner. The dearth of 100k sf office tenants required to pre-lease large buildings has resulted in numerous approved office sites in the City adopting a holding pattern awaiting that coveted tenant. By designing smaller buildings with smaller floor plates and ground floor retail, we can help ensure that the commercial component is in step with the market.

- ☐ The W10 proposal includes 251,800 sf of commercial space.

The sticking point, it seems, is that the W10 proposal also includes 348 condominiums. While this may not be consistent with this particular Action in the Master Plan, it is consistent with the use of the Washingtonian properties right across the street from the subject property. Furthermore, the variety of office and retail use and the replacement of some of the previously approved office space with residential in W10 supports the flexibility of the MSD zone. Residential density near employment centers and major transportation corridors makes good use of the public infrastructure investment already in place.

The 348 condominiums proposed as part of the W10 might also be considered a reasonable concession in order to achieve the many other elements of the Master Plan as outlined herein. I say "reasonable" concession because this particular type of residential unit does not have the same impact on public facilities that those other types of residential do.

Consider the traffic impact for example. Results of the traffic study conducted by Marty J Wells and Associates, using widely accepted trip-generation methodology, indicates that:

"the approved office use would generate 587 trips (511 in and 76 out) during the AM peak hour and 524 trips (89 in and 435 out) during the PM peak hour. The proposed mixed use would generate 564 trips (368 in and 196 out) during the AM peak hour and 799 trips (330 in and 469 out) during the PM peak hour. Internal trip estimates for the mixed use project were computed based on the methodology and data published by the Institute of Transportation Engineers (ITE).

A comparison in the proposed versus approved program indicates that the proposed uses would generate 23 (or 4%) fewer trips during the AM peak hour and 275 (or 52%) more trips during the PM peak hour."

It further substantiates that all four intersections studied at the City's request will not exceed the 1450 critical lane volumes as a result of this project. The traffic impact is further substantiated elsewhere in this application.

Consider the impact on schools. According to Montgomery County Public Schools, condominiums generate far fewer students than most other types of residential development. This point is substantiated elsewhere in the application.

Furthermore, the City has recently expressed growing concern about the affordability of housing in the City. (This issue is not addressed in the current master plan and represents one example of why any City's master plan should be viewed as a living document, responding to the issues of its time as well as its future.) The Washington DC area recently participated in Reality Check, a fascinating exercise in which participants grappled with the issues facing the region in the next 25 years. During this exercise we were informed that 2 million people are expected to move to this metropolitan area by 2030. During this period the demand for housing is expected to increase much more rapidly than the supply of housing (existing and units with approved zoning). If current policies continue and the gap between the supply of housing and the demand for housing continues to widen, the obvious result will be the continued increase of housing costs in the area—including the City of Gaithersburg.

The residential units of W10, would help increase Gaithersburg's housing supply. From a regional perspective it is admittedly a drop in the bucket, but for those 348 households the inclusion of these residential units with the 250,000 sf of commercial space would be significant.

The issue of housing affordability is further addressed by the location of these 348 units in a mixed-use town center. These 348 households are within close proximity to office, retail and entertainment uses. If one wage earner in a household with two is able to walk to work they may choose not to have a second car but invest that income in a mortgage. Consider this financial impact in terms of housing affordability. According to the American Automobile Association's 2005 annual report, the average cost to own and operate a new car in the U.S. is \$8,410. \$8,410 applied to a 30-year mortgage at 6% would buy an additional \$116,893 worth of housing! Now consider that automobiles *depreciate* while housing *appreciates*. Remember, too, that interest on the mortgage is tax deductible while interest on an auto loan is not.

One of the most effective decisions a municipality can make to make housing more affordable is to require a balance of uses within a neighborhood such that one need not rely on a car simply to meet one's daily needs.

Elsewhere in the subject application, the applicant "provides the basic framework for an affordable housing program that is appropriate for the Washingtonian 10 community as well as to create a prototype program to be incorporated in future development proposals in the City."

4.5 Transportation. Gaithersburg is a community that...provides a wide number of transportation choices to overcome pressing transportation issues, including but not limited to encouraging mixed-use development, use of transit, bicycling, and pedestrian-oriented urban design to reduce reliance on the automobile.

4.5 Objective A. Work with other government agencies, including the Metropolitan Washington Council of Governments, to ensure the economic vitality and high quality of life in the city and region by improving the regional transportation network.

Action 5: Support strategies that reduce peak-hour travel such as carpooling, telecommuting, bicycling, etc.

- ☐ W10 by further balancing the office/residential mix in Washingtonian reduces peak-hour travel. This is substantiated in the previously submitted traffic study. In fact, W10 reduces peak-hour travel by facilitating a mode of travel with even less impact on our public infrastructure than the cited examples—that is, walking!

4.5 Objective B: Limit new development when the transportation system can not support an increase in volume.

Action 1: Consider current congestion, funded improvements, and planned improvements when determining whether proposed development can be supported.

- ☐ W10 results in a reduced demand on transportation infrastructure when compared to the previously approved plan with 350,000 sf of office.
- ☐ In the previously referenced article, Mayor Katz is reported as saying that he is wary of approving projects centering higher density housing around major transportation hubs, “especially while plans proposed transportation, like the light rail or bus line Corridor Cities Transit way, are largely still undetermined.” Mayor Katz and others who share this sentiment should appreciate the fact that W10 does not rely on the proposed light rail system to meet any of its transportation demand.

Action 2: Mandate appropriate mitigation in order to minimize impacts to the transportation system caused by all development.

- ☐ The developer of W10 has agreed to all mitigation proposed by City, State and Federal governments.

Action 3: Mandate that proposed development which generates 50 or more peak hour trips will not be approved if it is found that unacceptable critical lane volumes of 1,450 exist at nearby critical intersection (taking into account existing and programmed transportation improvements), unless the developer makes transportation improvements that would improve the existing Level of Service (LOS).

- ☐ Critical lane volumes of 1,450 are not found in the area.

Action 4: Continue to evaluate adequacy of the transportation system through specific studies as part of development and annexation process.

- ☐ All studies requested by the City evaluating the adequacy of the transportation system have been completed and included with this application.

4.5 Objective E: Promote alternatives to single-occupant vehicle trips, such as shared-ride programs, transit, bicycling, and walking to reduce pollution and promote mobility for all residents.

- ☐ W10, as previously stated, accomplishes this by contributing to the further balancing of uses in Washingtonian and fostering alternatives to single occupant vehicle trips.

4.5 Objective H: Build transportation facilities that express a strong sense of place through a coordinated City-wide design.

Action 1: Continue to install Gaithersburg prototype bus shelters in partnership with private contractor.

- ☐ W10 includes installation of *two* Gaithersburg prototype bus shelters, one on Washingtonian Boulevard and another on Omega Drive.

4.7 Housing. Gaithersburg is a community that...offers a range of housing choices while preserving the character of existing neighborhoods and providing connectivity to adjacent areas of employment, nature, recreation, services, and shopping.

4.7 Objective B: Permit additional multi-family dwellings only to support existing town centers, encourage redevelopment, or comply with pre-existing annexation agreements.

Action 1: Where multi-family dwellings are deemed appropriate, require condominium uses unless it can be demonstrated that rental apartment uses are in the public interest.

- ☐ W10's residential units are condominiums and they support the existing Washingtonian Town Center.

Action 2: Consider approval of multi-family dwellings in or near the existing town centers.

- ☐ W10 is in Washingtonian, a designated Regional Town Center.

4.7 Objective F: Ensure that the current and future housing stock allows residents to remain in the City as their financial, employment, and familial situations change.

Action 3: Determine the impact of housing preferences on public schools and work with MCPS to address any concerns with the current schools.

- ☐ See the previously submitted school impact study for a detailed report.

4.8 Economic Development. Gaithersburg is a community that...encourages Economic Development with important jobs and businesses located only where infrastructure or capacity exists or can be improved.

4.8 Objective A: Provide employment and commercial opportunities in close proximity to residential areas.

Action 3: Identify improvements in local transportation links between existing residential communities and business areas to facilitate home-to-work trips.

- ☐ W10's internal mix of uses provides an opportunity for people to live and work in the same neighborhood and *walk* to work—utilizing the least expensive form of transportation out there. In fact, one employee of Negola's Ark has already offered to buy the first unit so he can walk to work! As a mixed use project within a mixed use town center those living elsewhere in Washingtonian may find employment at W10 and those working elsewhere in Washingtonian may find a home in W10 thus reducing demand on infrastructure outside Washingtonian.

4.8 Objective G: Encourage compatible development when non-residential uses adjacent to residential communities.

Action I: Avoid land use designation of non-compatible uses adjacent to designated employment and commercial sites.

- ☐ W10's proposed uses, commercial and residential, are not only compatible but the same as the uses found next door, across the street and throughout the Washingtonian Town Center.

4.8 Objective J: Find innovative parking solutions that support development activities.

Action I: Encourage shared use parking and parking structures that support multiple businesses or industries.

- ☐ The City's Shared Parking standards do not presently include residential use. Other jurisdictions have done so with great success thus reducing the glut of underutilized parking spaces dedicated to single uses. W10 proposes the use of Montgomery County's Shared Parking standards, which do include residential. W10 complies with these standards.

It is my hope that you will find this checklist helpful in your evaluation of the Washingtonian 10 project. Thank you for your consideration of this information.

Sincerely,



Michael D. Watkins
A.I.A., A.I.C.P., C.N.U., A.I.C.P., LEED-AP
Director of Town Planning

C: David Humpton
Fred Felton
Louise Kaufmann
Greg Ossont
Trudy Schwarz
Jon Wood
Jody Kline
Lisa Benjamin
Brian Donnelly

NEGOLA'S ARK

VETERINARY HOSPITAL

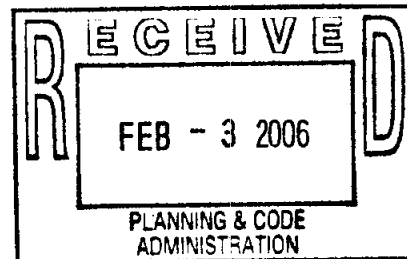
9401 Fields Road
Gaithersburg, Maryland 20878
(301) 216-0066 • FAX (301) 216-9780



February 2, 2006

Daniel C. Negola, DVM, ABVP
Medical Director
Diplomate, American Board
of Veterinary Practitioners
Certified in
Canine/Feline Practice

The Mayor and City Council
Planning Commission
31 South Summit Ave.
Gaithersburg, MD 20877



Dear Sirs and Madam:

Negola's Ark Veterinary Hospital is willing to look at the new entrance, but we do not agree to anything until we see what would be the appropriate diagram and the proper signage to make it easy for our clients to still get here from Omega Drive.

Following our evaluation of the entry way we will consider entering into a binding agreement with the Morgan Group or any successors to the property to execute this new entry way.

We would hope that any approvals by the Mayor and City Council of the subject property would be conditioned upon approval of such agreement prior to any final plans being approved.

Very truly your,

Daniel C. Negola, DVM
Medical Director

DCN:DBC

CC: Morgan Group



**MARYLAND STATE HIGHWAY ADMINISTRATION
PERMIT 3M-510-05**

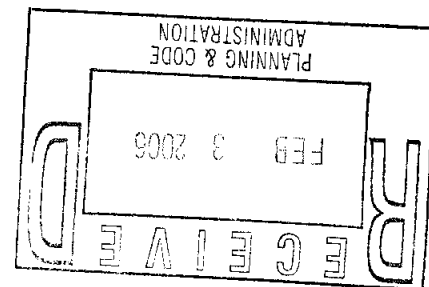
July 12, 2005

**MD I-270
Dwight D. Eisenhower**

PERMISSION IS HEREBY GRANTED TO:

**The Morgan Group, Inc.
Attn : John C. Wood
46161 Westlake Drive , Suite 230-B
Potomac Falls, VA 20165**

Federal ID No. 760-19-7035



so far as the Maryland State Highway Administration has the right and power to grant same, to:

Construct a building within a revertable easement next to I-270 Off Ramp to Shady Grove Road & Omega Drive.

This permit is governed in strict compliance with the following special and general provisions:

SPECIAL PROVISIONS:

1. The permittee is to notify Montee Benjamin at 301-513-7353, SHA District 3 Permit Inspector, 48 hours in advance of commencing work related to this permit.
2. All work is to be performed in complete accordance with attached plans.
3. All traffic control is to be performed in strict accordance with Maryland State Highway Administration Traffic Control Standards including attached traffic control standard MD "NO LANE CLOSURES REQUIRED-ALL WORK TO BE PERFORMED FROM SITE LOCATION".
4. The permittee has designated Brian Donnelly at 301-670-0840 to be Traffic Control Manager.
5. Roadway excavation is strictly prohibited.
6. This permit expires on July 12, 2006.
7. Performance of work authorized by this permit is secured by a Cashier Check No. _____ in the amount of \$ _____ from Bank dated _____. "NOT REQUIRED"
8. The permittee is responsible for notifying the aforementioned SHA Permit Inspector upon completion of activities to schedule a final inspection necessary for release of the security.



GENERAL PROVISIONS

A. PERMIT REQUIREMENTS:

1. A copy of the master permit, attachments, plans and addenda must be on the job site at all times during the performance of any work covered by this permit.
2. The State Highway Administration reserves the right to modify or revoke any permit, or permit provision at any time.

B. WORKING HOURS:

1. Work is permitted Monday through Friday only. Working hours for roadway and shoulder closures are restricted to between 9:00 AM and 3:00 PM and 9:00 PM and 5:00 AM. Work not adjacent to travel lanes is permitted between 7:00 AM and 7:00 PM. Exceptions to these hours may be specified in the individual permit. All requests for additional special exceptions must be provided in writing to the Office of the District Utility Engineer.
2. Night work is prohibited in residential areas.
3. No work is allowed the day before, on, or after major holidays or holiday weekends. Information regarding specific holiday restrictions can be obtained from the Office of the District Utility Engineer prior to each event. Holiday restrictions may vary by location. Work may also be restricted for special events occurring along specific routes.
4. The State Highway Administration reserves the right to restrict or deny permission to work within our right of way at any time.

C. NOTIFICATIONS:

1. The permittee must notify the State Highway Administration District Utility Engineer's Office at least 48 hours prior to starting any work allowed by this permit.
2. The permittee must notify "Miss Utility" at 1-800-257-7777, 48 hours in advance of starting any work allowed by this permit.
3. The permittee must notify the Maryland Forest Service prior to the start of any work to obtain the necessary Roadside Tree Care Permit. Forest Service representatives can be contacted at 301-464-3065 (Prince George's County) or 410-442-2080 (Montgomery County).
4. The permittee must notify the appropriate SHA Project Engineer 48 hours in advance of starting any work within the limits of an established SHA construction project. All work to be performed within these limits must be coordinated on a daily basis with the SHA Project Engineer or his representative.
5. The permittee is responsible for contacting Mr. Ed Rodenhizer, 410-787-7650, SHA Office of Traffic & Safety, to coordinate any work to be performed near SHA traffic signal equipment.
6. The permittee is responsible to contact Mr. Rick Divelbiss, 301-513-7310, SHA District 3 Maintenance, to coordinate any work to be performed near SHA highway lighting equipment.
7. The permittee must notify Mr. Curt Childress, 410-545-8584, Landscape Operations Division, prior to performing any work that will require replacement of existing trees, shrubs, flower beds or other planting materials.
8. In Prince George's and Montgomery Counties, the permittee must acquire the appropriate permits from the Washington Suburban Sanitary Commission prior to performing any work.

D. DESIGN:

1. Design and construction associated with this permit shall be performed in complete conformance with standards, procedures and policies of the following Maryland State Highway Administration publications:
 - a. General Provisions for Construction Contracts
 - b. Standard Specifications for Construction and Materials
 - c. Book of Standards for Highway & Incidental Construction
 - d. Maryland Standard Method of Tests, Materials Manual, Laboratory and Field Procedures
 - e. Policy on the Accommodation of Utilities within SHA Right of Way
2. The permittee is responsible for compliance with all laws and regulations including, but not limited to, those of the Federal Highway Administration, Maryland Public Service Commission, National Electric Safety Code, Maryland Occupational Safety and Health Administration, County or Municipal Planning and Zoning Boards, Army Corps of Engineers, Maryland Department of Natural Resources, and Maryland Department of Environment. This permit does not release the permittee from acquiring any additional permits that these or other agencies may require.
3. The permittee is responsible for obtaining required permits prior to performing any work on or adjacent to railroad facilities or right of way thereof.
4. The permittee is responsible for compliance with all state and local sediment control regulations.
5. The State Highway Administration reserves the right to stipulate modifications to the approved construction plans whenever necessary. The permittee shall be entirely responsible for all additional costs and expenses associated with these changes.

E. CONSTRUCTION:

1. All work must be performed in complete conformity with the approved construction plans.
2. All changes, modifications or alterations to the approved construction plans must be submitted in writing to the District Utility Engineer for review and approval.
3. Attachments to bridges and other structures are prohibited unless specifically authorized in individual permit applications.
4. Open cutting of any paved surface is strictly prohibited except when authorized by individual permit applications.
5. The adjustment and or relocation of any public, private or SHA owned facility or utility required by work performed in accordance with this permit will be the complete responsibility of the permittee.
6. All buried facilities must be placed at a minimum depth of three feet below finished grade or proposed final grade. In pavement areas, buried facilities must be placed at least three feet below subgrade. A minimum of three feet of clearance between the top of any buried duct or cable and finished grade or pavement subgrade is to be maintained at all times.
7. All permit activities performed within the limits of any SHA construction or maintenance project must be coordinated with the appropriate SHA Project Engineer or Resident Maintenance Engineer. The permittee is responsible that all work be performed in complete accordance with plans associated with SHA Maintenance or Construction activities.
8. The permittee is responsible to verify the location of all existing buried facilities within or adjacent to the work area to prevent damaging existing utilities.

9. The permittee is responsible for maintaining vertical and horizontal clearances from all existing utility facilities as required by the respective utility agencies.

F. MAINTENANCE OF TRAFFIC:

1. Work Zone Traffic Control is to be in complete conformance with specifications, standards, provisions and policies of the Manual on Uniform Traffic Control Devices (MUTCD), 1988 Edition, Maryland State Highway Standard Specifications for Construction and Materials, Section 104, Maintenance of Traffic and Maryland State Highway Book of Standards for Highway & Incidental Construction.
2. An approved Work Zone Traffic Control Plan is required for all work performed within SHA right of way. This plan must be in complete accordance with Temporary Traffic Control Typical Applications detailed in the State Highway Administration Standards for Highways and Incidental Structures. A copy of the approved Work Zone Traffic Control Plan is to be attached to the permit at all times. All closures are to be performed in complete accordance with the approved Work Zone Traffic Control Plan.
3. All changes, modifications or alterations to the approved Work Zone Traffic Control Plan must be submitted in writing to the District Utility Engineer in advance for review and approval.
4. A SHA certified Traffic Manager must be specifically designated for each permit application. This identification must include a 24 hour contact telephone number. The Traffic Manager will be responsible for ensuring the proper implementation and maintenance of the Work Zone Traffic Control Plan.
5. All traffic control devices including: signs, cones, barricades, drums, warning lights, arrow panels, variable message screens, and tubular markers must meet the "Acceptable" requirements of the American Traffic Safety Services Association (ATSSA), "Quality Standards for Work Zone Traffic Control Devices-1992".
6. All traffic control devices must comply with performance criteria published in the National Cooperative Highway Research Program (NCHRP) Report 350, "Recommended Procedures for the Safety Performance Evaluation of Highway Features."
7. Traffic Control signs or devices identified as unsatisfactory by the District Utility Engineer or his representative must be replaced immediately.
8. The permittee must comply with all District 3 Lane Closure Notification Procedures.
9. Travel lanes and shoulders must be restored immediately in the event of precipitation. Lane and shoulder closures on wet roadways are strictly prohibited.
10. Travel lanes and shoulders must be restored immediately in the event of accident or emergency within or adjacent to the work area.
11. All lane and shoulder closures will be cleared immediately at the specific direction of any representative of the Maryland State Highway Administration.
12. The permittee is responsible to coordinate all lane closure activities with adjacent contractors.
13. When a lane, ramp or shoulder closure is in effect, work must begin within one hour after the lane is closed. Once work is completed, travel lanes and shoulders are to be restored immediately.
14. The permittee is required to notify TOC-3 (301-345-7130) of all lane, ramp and shoulder closures on Interstate Highways one hour prior to closure, and within 10 minutes of restoring any travel lane, ramp or shoulder.
15. Full or temporary roadway closures are not permitted without prior approval of the District Utility Engineer.
16. The permittee is responsible for coordinating Maryland State Police assistance for any temporary roadway closure. No temporary roadway closure can exceed 15 minutes in duration.

17. The permittee must provide a minimum of two Variable Message Screens for any temporary roadway detour or roadway closure. Screen messages must be approved by the District Utility Engineer prior to display.
18. No pavement drop off adjacent to or within travel lanes is permitted to exceed two (2) inches at any time.
19. The delay to motorists travelling through work zone lane, ramp or shoulder closures is not to exceed fifteen (15) minutes.
20. No travel lane shall be reduced to less than ten (10) feet in width at any time.
21. Prior to reopening, all travel lanes and shoulders must be completely cleared of all materials, equipment and debris.
22. Any mud, material or debris, tracked or spilled on any roadway surface is to be promptly removed to eliminate any potential hazard.
23. No metallic tread equipment shall be driven or towed on any paved roadway surface at any time.
24. No equipment or material may be stored within 30 feet of the travel roadway edge during non-working hours unless it is located behind guardrail or concrete traffic barrier. No storage location may obstruct or reduce sight distances, obscure roadway signing or interfere with positive drainage.
25. Private automobiles and nonessential construction vehicles will not be parked on SHA right of way. The permittee is responsible for the transportation of workers from a safe parking site procured by the permittee.
26. The use of emergency crossovers is strictly prohibited.
27. Pedestrian traffic is to be maintained through or around work areas at all times.
28. All flagging operations are to be performed by individuals who have successfully completed SHA's Approved Flagger training course. Each flagger is to have in their possession an approved SHA flagger training card at all times. Flagging is to be conducted utilizing stop/slow paddles in complete accordance with Part VI Section 6F of the current edition of the Manual on Uniform Traffic Control Devices. Flaggers are to be appropriately attired at all times. Flaggers must wear a reflective vest at all times while flagging.
29. Precautions shall be taken, particularly in freezing temperatures, to keep water off travel lanes.
30. Vehicular access to private and public driveways, entrances and roadways is to be maintained at all times.
31. Access to fire hydrants, firehouses, hospitals and mailboxes is to be maintained at all times.

G. EROSION & SEDIMENT CONTROL:

1. All erosion and sediment control measures and devices shall be constructed in conformance with the 1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control published by the Maryland Department of the Environment, Water Management Administration, and all revisions thereof.
2. The permittee is required to install and maintain all sediment control devices specified in other permits which have or should have been obtained by the permittee.
3. All disturbed areas are to be temporarily seeded and mulched within 48 hours upon completion of excavation activities.
4. Restoration and permanent stabilization of all areas is to be completed within seven days of the completion of excavation activities.
5. The discharge of any material or liquid, other than clean water, into any drainage facility is strictly prohibited.
6. The discharge of any material or liquid into Waters of the United States is strictly prohibited.

7. Stabilized construction entrances are required for access to work areas adjacent to roadways.
8. Any work or activity within 25 feet of any wetland area is strictly prohibited.
9. All dewatering is to be performed utilizing an approved dewatering device to ensure the removal of sediment from effluent.
10. All surface drains, swales and ditches are to be maintained free of debris at all times.

H. EXCAVATION:

1. All trenching is to be performed in complete accordance with all requirements set forth by Maryland Occupational Safety and Health regulations.
2. Where the distance between of the roadside edge of any excavation is less than the depth of excavation of the excavation tight sheeting will be required. The roadside face must be tightly sheeted and braced securely against skeleton sheeting on the opposite or far side of the excavation.
3. All sheeting must be completely removed upon the completion of excavation and backfill activities.
4. Cuts or excavations will not be permitted to remain open at the end of a work shift, or when work is not actively in progress. In the event that excavation cannot be completed within a single shift, the excavation shall be covered with steel plates, or protected behind concrete barrier wall. The perimeter of all open excavations shall be secured using four foot high orange safety fencing suitably posted.
5. All spoil material is to be completely removed from SHA right of way.
6. All backfill is to be placed in horizontal layers not to exceed six inches in depth. Each layer is to be uniformly tamped and compacted by means of a mechanical or vibratory compacting device.
7. The permittee will be responsible for repairing any damage due to settlement of backfill for a period of one year after the release of permit.

I. TUNNELING:

1. Tunneling is to be performed in complete accordance with submitted plans and specifications approved by the State Highway Administration.
2. A heavy timber shaft is to be provided at either end of the tunnel to maintain access and prevent embankment failure.
3. Tunnel excavation shall be advanced in increments not to exceed two feet. Tunnel liner plates shall be installed immediately upon the completion of each excavation increment. Excavation is to be conducted so that the voids behind the tunnel liner plate are kept to a minimum.
4. Voids behind tunnel liner plates are to be filled with grout placed under pressure. At least two grout plugs are to be provided per ring to appropriately fill all voids.
5. Grouting is to begin as soon as a sufficient length of tunnel liner plate has been installed to insure a proper seal. Grouting is to proceed progressively with each adjacent set of holes provided in liner plates. All voids shall be completely filled prior to the end of each shift.
6. Bulkheads must be sufficiently secure to insure proper seal and prevent the leakage of grout under pressure.
7. Grouting equipment shall have a minimum capacity of ½ cubic yard to assure that adequate grouting material is available within a reasonable period of time to avoid the setting up of grout from the previous batch.

8. Upon the completion of grouting, all holes are to be plugged with an appropriate fitting provided.
9. Access to the shaft is to be protected at all times to deny unauthorized pedestrian entry.

J. JACKING & BORING:

1. A heavy timber shaft at either end of the jacking pit is required to prevent embankment failure and maintain access to the pit. This support shall be continuously maintained to prevent cave-ins.
2. Pipes and sleeves shall have sufficient length to extend beyond shoulder edges.
3. Excavation to push or install pipes or sleeves in shoulder areas is prohibited.
4. The bore hole diameter is not to exceed the outside diameter of the pipe or sleeve.
5. The jetting of pipes or sleeves is not permitted.
6. Pipes and sleeves shall be installed simultaneously with auguring.
7. In the event of false start, the void will be backfilled by grouting.
8. The permittee is responsible to repair or replace any pavement area or areas damaged as a result of jacking and boring operations. The extent of repairs or replacement shall be determined at the sole discretion of the District Utility Engineer or their representative. Repairs or replacement shall be performed immediately.
9. Jack and bore pits shall be protected at all times to prohibit unauthorized vehicular and pedestrian access.

1. DIRECTIONAL BORING:

1. The top of all buried cables and ducts must be a minimum of three feet below existing ground and/or pavement subgrade.
2. The top of all cables and ducts must be buried a minimum of four feet below streambed when crossing waters or wetlands.
3. The discharge of all effluent resulting from directional boring operations is to be directed into a tank or truck and suitably disposed of at an authorized waste site.
4. Exposed cables and ducts at splicing locations are to be protected utilizing orange safety fence installed a minimum height of four feet. Perimeter safety fencing around ducts and cables is to be securely maintained at all times.
5. Support for exposed cables or ducts at splicing locations must be installed by the permittee. The temporary attachment of cables or ducts to existing poles, signs, trees or other existing fixed objects is strictly prohibited.
6. Splicing and handhole installation is to proceed with cable or duct installation.
7. Restoration activities must be commenced within seven days of the placement of cable or duct between each handhole location.

K. BLASTING:

1. Blasting within SHA right of way is strictly prohibited without prior approval. To obtain authorization, a blasting plan must be submitted for approval a minimum of 45 days in advance of the anticipated commencement of work. Blasting cannot begin until the blasting plan is approved and authorized by the State Highway Administration.

2. The permittee is required to furnish proof of a Maryland Blaster's License before beginning any blasting operation.
3. The permittee may be required to provide proof of additional insurance in an amount to be specified by the State Highway Administration prior to commencing any blasting activity.
4. The District Utility Engineer must be notified 72 hours prior to beginning any blasting work.
5. All blasting is to be performed in complete compliance with the approved blasting plan.
6. Blasting is not to be performed within 100 feet of any residence or structure.
7. A thorough site inspection, including representatives of SHA, the permittee and other affected parties shall be conducted prior to the commencement of blasting. The existing conditions of all culverts, inlets, retaining walls, and other structures is to be fully documented using photographs and/or video tape supplied at the expense of the permittee. A copy of a complete set of this documentation is to be provided to the State Highway Administration District Utility Engineer prior to the commencement of blasting. A follow up inspection is to be performed upon the completion of blasting to identify any new damage to existing facilities. All damage to existing facilities shall be repaired to the complete satisfaction of the Maryland State Highway Administration at the sole expense of the permittee. All necessary repair or replacement work is to begin immediately and be completed as soon as practical.
8. The permittee is solely responsible to resolve to the complete satisfaction of the State Highway Administration all damage claims resulting from any activity associated with blasting performed under this permit.
9. All shots shall be matted to control flying rock and debris.
10. Equipment used for drilling blast holes shall use a positive means of dust control.
11. Seismic readings may be required to monitor blasting operations. A copy of readings indicating peak particle velocities shall be made available to a representative of the State Highway Administration after each shot when required.
12. Blasting shall not be performed closer than 50 feet from any water, gas, sewer, cable, or conduit unless said facilities have been completely exposed, definitely located and suitably backfilled prior to blasting in strict accordance with the specific requirements of the representative utility agencies. In no case will blasting be permitted closer than two feet from any utility facility ten inches or smaller in diameter, and no closer than five feet from any utility facility larger than ten inches in diameter.
13. All possible caution is to be exercised to ensure that drilling and blasting operations minimize overbreak and blast damage to adjacent unexcavated ground.
14. All blasting is to be carefully balanced and controlled to provide a uniform distribution of charge that will fracture the rock so that it may be excavated to the required contours without fracturing rock beyond the excavation limits.
15. The permittee shall be responsible for providing material to replace broken rock that is unsuitable for trench backfill use.
16. In the event that air blast pressure, vibration, noise, flying debris, or overbreakage exceed specified limits, all blasting operations are to be immediately suspended until a modified blasting plan is submitted and approved.

L. PAVEMENT EXCAVATION AND RESTORATION

1. All excavation across pavement areas is to be full depth sawcut prior to removal.

2. Trenches across roadways and shoulders shall be backfilled entirely with graded aggregate. All aggregate backfill is to be placed in horizontal layers not to exceed six inches in depth. Each layer is to be uniformly tamped and compacted by means of a mechanical or vibratory compacting device.
3. Pavement repairs are to be constructed in accordance with typical sections indicated in the Maryland State Highway Administration Book of Standards for Highway & Incidental Construction, Standard Numbers MD 577.02, 577.03, 577.04, 577.05, 577.06 and 578.01 and Section 522, Portland Cement Concrete Repairs, of the Maryland State Highway Administration Standard Specifications for Construction Materials.
4. Pavement repairs must extend a minimum of two feet beyond the limits of the trench excavation on each side. All pavement repairs shall be a minimum of six feet in width.
5. All pavement repairs are to be composed of 10 inches of SHA Mix No. 6 Portland cement concrete overlaid with two inches of hot mix asphalt surface course.
6. Pavement repairs to full depth asphalt shoulders are to be composed of a variable depth HMA base covered with 2 inches of HMA surface SC. The total thickness of HMA used for shoulder repairs must be equal to or greater than the thickness of the existing shoulder pavement.
7. Pavement repairs to aggregate and surface treated shoulders are to be composed of 12 inches of dense graded aggregate placed and compacted in two horizontal lifts of thickness not exceeding six inches.
8. Pavement repairs to side roads are to be constructed in accordance with typical section indicated in the Maryland State Highway Administration Book of Standards for Highway & Incidental Construction, Standard Number MD 578.01 and Section 522, Portland Cement Concrete Repairs, of the Maryland State Highway Administration Standard Specifications for Construction Materials
9. Pavement repairs to existing driveway entrances are to be composed of material in type and thickness identical to that which existed prior to excavation. Concrete driveway aprons shall be required to be replaced using SHA Mix No. 6.
10. Temporary pavement repairs will be permitted with the permission of the District Utility Engineer. Temporary repairs are to consist of three, 3 inch layers of hot mix asphalt base, individually placed and compacted.
11. Final pavement restoration is to occur within 30 days of the completion of temporary pavement repairs.
12. Test pits conducted in pavement areas shall be performed by vacuum core drilling a cylindrical area of diameter not to exceed 10 inches. Upon completion, the test hole is to be backfilled with sand up to the final one foot, which is to be composed of 10 inches of Portland cement concrete covered with 2 inches of HMA surface SC.
13. "UNEVEN PAVEMENT" warning signs, MUTCD W8-8(2) are to be installed in advance of all milled surfaces for each direction of travel.
14. Uneven joints where traffic can be anticipated to cross are to be tapered with a minimum of two feet of a bituminous concrete product for the entire width of the travel lane.
15. Exposed utility surface structures in milled areas are to be protected around their entire circumference with a minimum taper of two feet of a bituminous concrete product.
16. Traffic markings and symbols are to be replaced in milled and resurfaced areas prior to the reopening of pavement to traffic.
17. Milled surfaces are to be resurfaced within seven days.
18. The following provisions will apply whenever steel plates are used to protect pavement excavations:
 - a. The District Utility Engineer shall be notified at least 48 hours in advance of the placement.
 - b. Steel plates are not to remain in place longer than seven days without prior permission.

- c. "STEEL PLATES" warning signs, MUTCD W95-5(1), are to be post mounted at an advance location.
- d. The identification of the Utility Company, contact individual and 24 hour telephone number shall be clearly marked on the rear face of the "STEEL PLATES" warning sign.
- e. From October through April, steel plates shall be additionally identified by the placement of a grade stake located immediately adjacent to the pavement edge. The stake is to be at least three feet high and painted international orange.
- f. Steel plates are to be at least one inch thick and securely held in place with pins installed on all corners.
- g. Steel plates must be large enough to allow a minimum of one foot of bearing on all four sides of the pavement surrounding the excavation. In the event that more than one plate is required, one foot of bearing will be allowed on three sides of the plate.
- h. The use of a bituminous concrete product is required on all exposed edges of the plates to ensure a smooth transition from the pavement to the surface of the steel plate. The material must extend a minimum distance of one foot to provide a suitable taper.
- i. Steel plates are to be monitored and maintained by the permittee at least twice daily, seven days a week.
- j. The identification of the Utility Company must be clearly marked in orange paint on the surface of the steel plate or adjacent roadway.

M. ROADSIDE RESTORATION:

- 1. The permittee will be responsible for replacing, repairing or restoring anything removed or damaged as a result of any activity performed under this permit including but not limited to all curbs, medians, gutters, drains, fences, sidewalks, steps, rails, walls, signs, structures, crosswalks, etc. to their original condition to the complete satisfaction of the State Highway Administration.
- 2. Sidewalk repairs shall consist of 4 inches of SHA Mix No. 2 placed in grade and alignment to meet the existing sidewalk, for the entire length of each affected block, typically five feet in length. All sidewalk ramps are to be replaced to their original condition.
- 3. Existing concrete curb or combination curb and gutter is to be replaced using SHA Mix No. 2 to its original condition in accordance with the Maryland State Highway Administration Book of Standards for Highway & Incidental Construction, Standard Number MD 620.02.
- 4. Existing bituminous curb is to be replaced to its original condition in accordance with the Maryland State Highway Administration Book of Standards for Highway & Incidental Construction, Standard Number MD 615.01.
- 5. Any removal, adjustment or relocation of W-Beam Traffic Barrier guardrails, posts, or end treatments is strictly prohibited except when authorized by individual permit applications.
- 6. Fencing removed for construction is to be restored to its original condition. All fence openings shall be completely restored prior to the end of each working shift.
- 7. Delineators removed for construction must be replaced to their original height and position upon the immediate completion of activities.

N. LANDSCAPE RESTORATION:

- 1. Landscape restoration is to begin immediately upon the completion of excavation activities.
- 2. Topsoil will be salvaged or replaced to a minimum depth of two inches.

3. All disturbed areas are to be topsoiled, fertilized, seeded and mulched in accordance with Maryland State Highway Administration Standard Specifications for Construction and Materials Section 705, Turf Establishment.
4. Solid sodding is required in all residential areas.
5. The permittee is responsible for all watering necessary to ensure the adequate reestablishment of turf and replacement planting material.
6. All trees, shrubs, flower beds and other existing planting material disturbed by, or a result of construction under this permit will be replaced in kind to the complete satisfaction of the Maryland State Highway Administration.
7. The permittee must coordinate the replacement of all planting material with a representative of the State Highway Administration Office of Environmental Design, Landscape Operation Division at 410-554-8584.

O. TRAFFIC MARKINGS, SIGNING, LIGHTING AND SIGNALIZATION:

1. Traffic signs are not to be removed or relocated without permission of the District Utility Engineer.
2. The permittee is to exercise extreme caution when in the vicinity of signalized intersections so as to not damage equipment associated with traffic signalization.
3. The permittee will be responsible for ascertaining the location of all loop detection equipment prior to performing roadway excavation in the proximity of signalized intersections.
4. All pavement markings and symbols shall be completely replaced immediately upon the completion of milling or resurfacing, prior to the reopening to traffic.
5. The permittee will be responsible for ascertaining the location of electrical services and feeds to street lighting.

P. PERMIT REGULATIONS:

1. The permittee shall indemnify and save harmless the State and all of its representatives from all suits, actions, or claims of any character brought on account of any injuries or damages sustained by any person or property in consequence of any neglect in safeguarding the work or through the use of unacceptable materials in the construction of the improvement, or on account of any act or omission by the said permittee, or as a result of faulty, inadequate, or improper temporary drainage during construction, or on account of the use, misuse, storage or handling of explosives, or on account of any claims or amounts recovered for any infringement of patent, trademark, or copyright, or from any claims or amounts arising or recovered under the Workmen's Compensation Laws, or any other State or local law, bylaw, ordinance, regulation, order or decree whether by himself or his employees or subcontractors. The permittee shall be responsible for all damages or injury to property of any character during the prosecution of the work resulting from any act, omission, neglect, or misconduct, in the manner or method of executing said work satisfactorily or due to the nonexecution of said work or at any time due to defective work or materials and said responsibility shall continue until the improvement shall have been completed and accepted.
2. The permittee shall indemnify and save harmless the State and all of its representatives from all suits, actions, or claims of any character brought on account of any injuries or damages sustained by any person or property arising from the construction, placement or existence of any of the utility's facilities placed on or near any property, road or highway that is owned and/or maintained by the State Highway Administration regardless of when the utility facilities were placed, constructed or replaced, including those facilities installed prior to the issuance of this permit.
3. The permittee shall comply with all Federal, State, and local laws, regulations and ordinances applicable to their activities.

4. The State Highway Administration reserves the right to assign inspection forces while work is being accomplished within our right of way at the expense of the permittee.
5. This permit is not assignable. The use of this permit by any party, or for any purpose, not specifically indicated within the permit shall constitute the immediate revocation of the permit.
6. The State Highway Administration reserves the right to halt any operation that can be considered to be in any manner detrimental to the safe operation of our highway system.
7. The State Highway Administration reserves the right to revoke authorized permits in the event that the permittee fails to comply with any condition of the permit.
8. Permission, when granted, to place utility facilities within the limits of our right of way is revocable at any time by the State Highway Administration.
9. In the event that future road improvements require the removal, relocation and/or adjustment of facilities installed under this permit, the entire cost of said work shall be borne entirely by the permittee.
10. The permittee shall be responsible to respond to, and correct any complaints regarding any work performed under this permit upon notification.
11. All work performed under this permit shall be done under the supervision and to the complete satisfaction of the Maryland State Highway Administration. The State Highway Administration reserves full control over said roads, highways and right of way and the subject matter of this permit.
12. The permittee is responsible for providing effective on site supervision at all times to ensure compliance with all plan and permit specifications, regulations and conditions.
13. All work areas are to be continuously maintained in a neat and clean condition.
14. The permittee will be responsible for maintaining utility facilities installed within State Highway Administration right of way in safe working condition.
15. The permittee will be responsible for the cost of any repairs to roadway embankments, drainage facilities, or any other facilities owned or maintained by the State Highway Administration should they become necessary or caused by the construction, existence or failure of this utility or utility facility.
16. Upon completion of work, State Highway Administration right of way affected by this permit shall be restored to its original condition.
17. It is agreed and understood that the issuance of this permit will be construed to indicate complete acceptance of the terms and specifications outlined herein.

For DISTRICT UTILITY ENGINEER

John J. Nashitt

STATE HIGHWAY ADMINISTRATION

3M-510-05

MARYLAND STATE HIGHWAY ADMINISTRATION
DISTRICT 3
RIGHT OF ENTRY PERMIT APPLICATION

Date of Application:

June 14, 2005

State Route Number:

I-270 @ Shady Grove Road (Exit 8)

State Route Name:

D.D. Eisenhower Hwy @ Shady Grove Rd.

County:

Montgomery

Name of Applicant:

The Morgan Group, Inc.

Address of Applicant:

46161 Westlake Drive, Ste. 230-B

Potomac Falls, VA 20165

Attn: John C. Wood

Federal ID or Social Security:

760197035

Telephone Number:

703-433-9994

Description of Work:

Construct building and driveway within
a revertible easement

Location of Work:

Next to I-270 off ramp to Shady Grove Rd
& Omega Drive

Anticipated Starting Date:

Summer 2005

Anticipated Completion Date:

Summer 2008

Applicant: Print & Sign

By: John C. Wood, Vice President

John C. Wood

PERMIT APPLICATION INSTRUCTIONS

All application information is to be printed clearly.

Vicinity maps, indicating the location of work to be performed, are to be attached to each application.

Plan sheets detailing work, with SHA right of way indicated, are to be attached to each application.

Applications, including vicinity maps and plan sheets, are to be submitted in triplicate.

Each application package is to be neatly folded to 8.5" x 11" size.

An Engineer's estimate is to be provided itemizing costs of all work to be performed in the right of way.

Surety in the amount of 150% of the Engineer's Estimate is required.

Surety is required in the form of a Performance Bond, Letter of Credit or Certified Check.

Surety is to be made payable to the Maryland State Highway Administration

Applications by FAX, BUSINESS or PERSONAL CHECKS are not accepted.

Contact the District Utility Engineer at 301-513-7350 or 1-800-749-0737 for assistance.

Completed applications are to be submitted to:

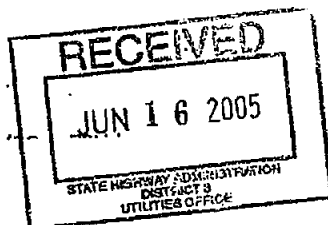
Office of the District Utility Engineer

State Highway Administration

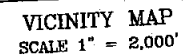
District 3 Office

9300 Kenilworth Avenue

Greenbelt, MD 20770



S.H.A. PLAT NO.'S 49727, 50069, 50071,
50072, 51022 & 51023 AND L.7678 F.857

[illegible]

NOTE:
Ornamental Cherries along
I-270 exit ramp are in
Good Condition

CNL HOSPITALITY PARTNERSHIP LP
L18286 F.435
PARCEL J
P.B.97 P.NO.10718

PARCEL K, BLOCK C
WASHINGTONIAN CENTER
PLAT NO. 20870

ORIX GAITHERSBURG, LLC
L21390 F.459
322066 S.F. OR 739362 AG


Old Field Vegetation
Burns Bush Honey
Broome Sedge
Goldenrod
Japanese
Honeysuckle
Multiflor
Black Berry
Pokeweed
Mullein

6" to 11"
Loblolly Pine

11" Loblolly
Poor Head
Mostly D

2" to
Sassa
Pin
Brad

75 Ldn
4"-8"
Black Cher
8" White

Tree #1  24" White Spruce

* 20" White Spruce

Pioneer Forest 0.94 Ac or 40,804 sq/ft.
(Tree of Heaven & Bradford Pear Dominant
4" to 6" Dia. Typ.; Disturbed/Low Priority)

Hawthorn & Bradford
Sapling to 3" Typ.

2" to 8" Pioneer
Willow Oak
Pine Oak
Black Cherry
Bradford Pear

18th Ornamental

18th Ornamental
Cherry Tree

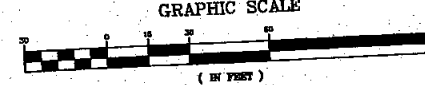
(APPROX)

TREE LIST				
ID	COMMON NAME	SIZE	BOTANICAL NAME	CONDITION / REMARKS
1.	White Spruce	24" 6"-28"	Picea glauca glauca pusilla	Good Good - species known for weak structure

Notes: Diameters are given for each trunk of multiple bore trunks when division occurs below 4.5 feet. If major division occurs above 4.5 feet only the trunk diameter at 4.5 feet is given. Tree ID numbers are correlated to those assigned on the Natural Resource Inventory/Trunk and Stem Delineation Map. Trees less than 24" DBH are shown for informational purposes only.

SOIL KEY

neig silt loam, 3 to 8 percent slopes
Wheaton-Urban land complex, 0 to 8 percent slopes
Urban land-Wheaton complex, 0 to 8 percent slopes



TAX MAP FS 562

TAX MAP FS 562
NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION
PARCEL K, BLOCK C

WASHINGTONIAN CENTER

PLAT No. 20870
NINTH ELECTION DISTRICT - CITY OF GAITHERSBURG - MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

Proj. Mgr. BJD	Designer JDS/FCJ
Date 12/18/05	Scale 1"=30'

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1278

**JOINT
EXHIBIT**
E-77

all/for

Phone: 301.348.0693
Fax: 301.348.0693
www.mhga.com

APPLICANT
THE MORGAN GROUP, INC.
46161 WESTLAKE DRIVE, SUITE 230-B
POTOMAC FALLS, VA. 20165
ATTN: JON C. WOOD

OWNER
ORIX GAITHERSBURG LLC
100 N. RIVERSIDE PLZ. #1400
CHICAGO, ILL. 60606-1508

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	1/25/08	Revised per city comments	PC

LEGEND

TREE

WOODY VEGETATIVE COVER

Critical Root Zone
CRZ dia = DBH x 3'

SOIL BOUNDARY

NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND CITY FOREST CONSERVATION REGULATION.

25 JANUARY 2006

J. O. Stevens
JOHN DOUGLAS STEVENS

RECOGNIZED AS QUALIFIED PROFESSIONAL
BY MD. DEPT. OF NATURAL RESOURCES;
ISA CERTIFIED ARBORIST No. MA-075;
MARYLAND LICENSED TREE EXPERT No. 850

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A MARYLAND REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT SEAL AND SIGNATURE ON PLANS WILL BE ACCEPTED AS PRIMA FACIE EVIDENCE THAT PLANS ARE IN COMPLIANCE WITH APPLICABLE CODES AND REGULATIONS

Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 38A of the Montgomery County Code.

TOWN PLANNER
DUANY PLATER-ZYBERK & COMPANY
320 FIREHOUSE LANE
GAITHERSBURG, MARYLAND 20878
ATTN: MIKE WATKINS
301-948-6223

APPLICANT
THE MORGAN GROUP, INC.
46161 WESTLAKE DRIVE, SUITE 230-B
POTOMAC FALLS, VA. 20165
ATTN: JON C. WOOD
703-433-9994

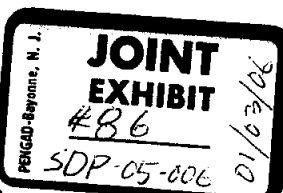
OWNER
ORIX GAITHERSBURG LLC
100 N. RIVERSIDE PLZ. #1400
CHICAGO, ILL. 60606-1508

REVISIONS			
NO.	DATE	DESCRIPTION	BY
2	02/03/06	Respond to City Comments	
1	11/28/05	Respond to City Comments	

MHG Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors
9720 Wignam Road, Suite 120
Farmingdale, Virginia 22031
Phone 301.670.0840
Fax 301.548.0653
www.mhgpa.com

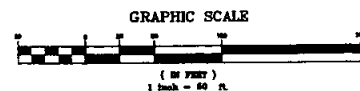
Proj. Mgr. Designer
B.D. B.D.
Date 06/26/05 Scale 1"=50'
Project No. Sheet
05-138-11 1 of 2

TAX MAP F3582



SDP-1
SPD-05-006
WSSC 221 NW 09

**OVERALL SITE PLAN
SCHEMATIC DEVELOPMENT PLAN
WASHINGTONIAN TEN
PARCEL K, BLOCK C
9TH ELECTION DISTRICT - CITY OF GAITHERSBURG- MARYLAND**



Legend	
Existing	Proposed
Building	Building
Bituminous Paving	Bituminous Paving
Ex. 12" W. Water Line	Prop. 10" W. Water Line
Ex. 8" S. Sanitary Sewer	Prop. 4" S. Sanitary Sewer
Ex. 21" RCP Storm Drain	Prop. 18" RCP Storm Drain
Tree Line	Tree Line
370 Contour	364 Contour



VICINITY MAP
SCALE 1" = 2,000'

- Boundary information from Alta survey prepared by Rodgers Consulting dated 04/24/02
- Topographic information prepared by Aerial method and supplemented by Field Run and Previously approved Plans.
- Water and sewer category W-1 and S-1 respectively.
- Subject property does not contain 100-year flood plain area with a drainage area greater than 400 acres

- NOTES:**
- Curbs, gutters, sidewalks, and paving shall be installed in such a manner as to provide positive drainage of all areas so there is no accumulation of surface water.
 - All parkways, paving edges and islands shall be curbed.
 - All Paving, Storm Drain, Utilities and Improvements on this Parcel are Private and the Maintenance to be the Responsibility of the Owner.
 - The maximum permitted grade on lot is 3:1. The Contractor must adjust any slope as necessary to meet Existing Grade.

SITE TABULATION

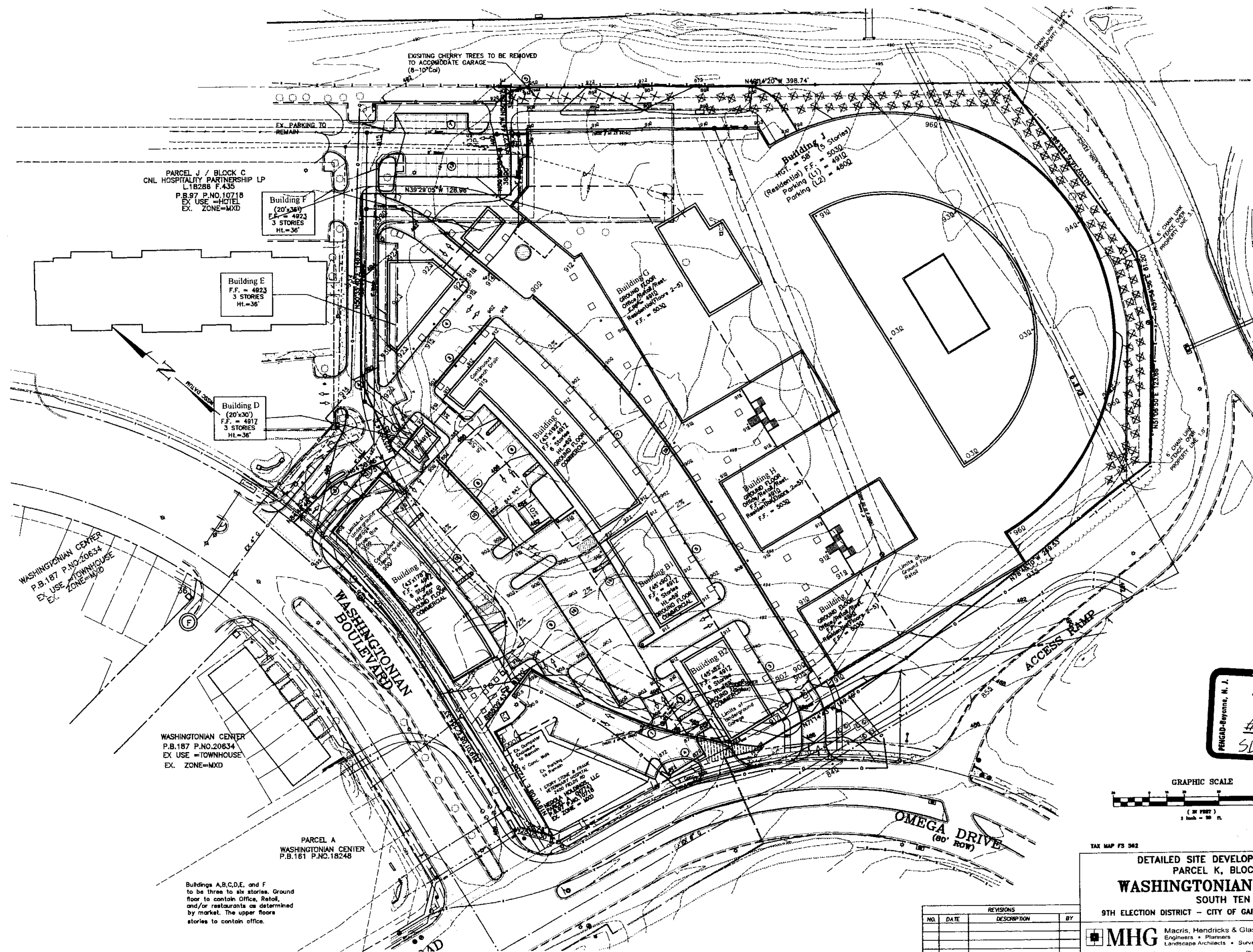
- Gross Tract Area = 322,066 sq. ft. or 7.39 acres
- Property Information:
Washingtonian Center - Parcel K-Block C
Address: 9711 Washington Blvd
Tax I.D. #03344450
Plot # 20870 (L. 23190 F. 459)
- Zone - MXD
- Proposed Use - Mixed Use (Office, Multifamily Residential, Commercial)
- Building Allowable Height - 100'
- Residential Area - 198,521 sq. ft.
Residential Green Area Required - 40.0% or 79,084 sq. ft.
Residential Green Area Proposed - 42.3% or 84,000 sq. ft.
Commercial Area - 123,545 sq. ft.
Commercial Green Area Required - 25.0% or 30,886 sq. ft.
Commercial Green Area Proposed - 26.4% or 32,700 sq. ft.
Parking Required - 203,800 sq. ft. x 1.0 space per 300 sq. ft. = 679 spaces
Office/Retail: 38,000 sq. ft. x 4.5 space per 1000 sq. ft. = 171 spaces
Restaurant (Class A): 10,000 sq. ft. x 13 spaces per 1000 sq. ft. = 130 spaces
Residential: 174 Two Bedroom x 2.0 spaces per Dwelling unit = 348 spaces
174 Three Bedroom x 2.5 spaces per Dwelling unit = 435 spaces
348 Total Units Total (Residential) 783 spaces
- Hotel - 52 spaces
Per Shared parking Agreement to serve the existing Parcel J (Liber 17219-Folio 53)
Veterinary Clinic - 14 spaces
14 spaces will be provided to serve the existing Parcel A (Negotia Property)

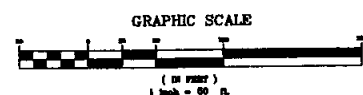
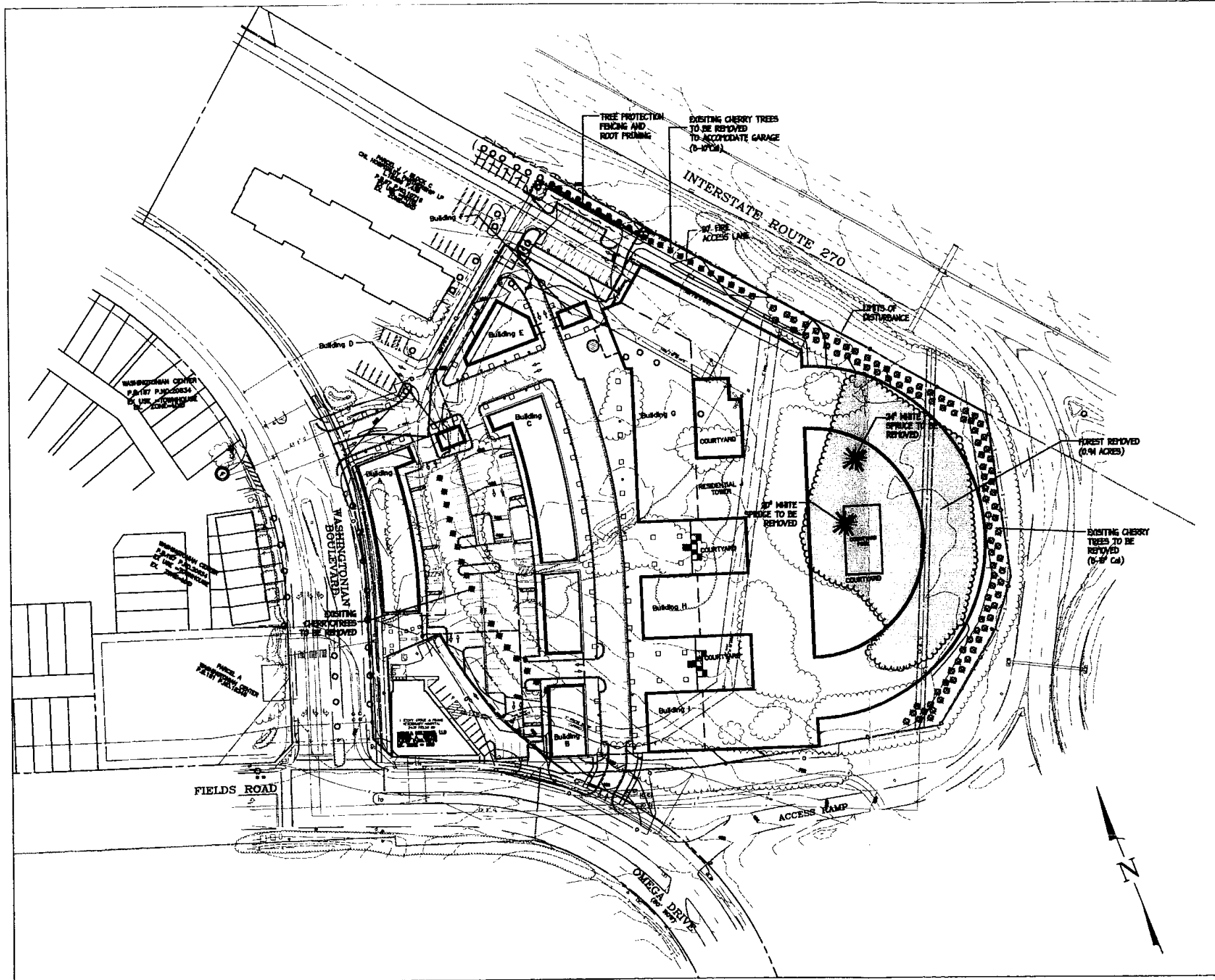
	Weekday		Weekend		Night time
	Day	Evening	Day	Evening	
Retail	102.6	60%	133.9	90%	171.0 100%
Restaurant	65.0	50%	130.0 100%	130.0 100%	130.0 100%
Residential **	783	100%	783 100%	783 100%	783 100%
Office	392	50%	68 10%	68 10%	34 5%
Hotel*	679	100%	39 25%	52 100%	39 75%
Veterinary	14	---	14 ---	14 ---	12 ---
Total	(1,683)**		1,201	1,205	1,132 892

Assume Class A Restaurant to occupy 20% of Ground Floor Retail
Parking Provided: 1,123
Proposed Garage - 20
Proposed Surface - 4
Total Provided - 1,268 24 1,292 spaces***

Handicapped spaces Required/Provided: 2% or 24 spaces
2% of first 1,000 spaces provided, plus 1 space per 100
* 52 spaces are subject to a Shared Parking Agreement to serve the existing Parcel J (Liber 17219-Folio 53)
** A parking waiver is being requested as part of this Schematic Development Plan approval per Section 24-222A (1). A reduction in parking for the Multi-family residential portion of the development using 50% mixed use credits for weekday day parking usage
*** Parking provided based on Weekend day peak hour use.

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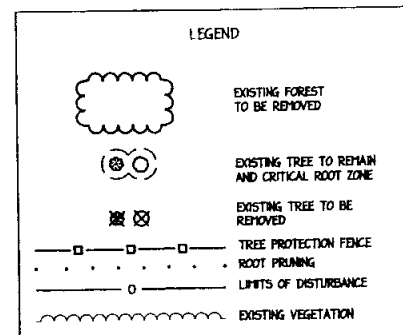




Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

OWNER
ORIX GAITHERSBURG LLC
100 N. RIVERSIDE PLZ. #1400
CHICAGO, ILL. 60606-1508

APPLICANT
THE MORGAN GROUP, INC.
46161 WESTLAKE DRIVE, SUITE 230-B
POTOMAC FALLS, VA. 20165
ATTN: JON C. WOOD



FOREST CONSERVATION WORKSHEET
"The Estates at Washingtonian Center"

NET TRACT AREA

A. Total tract area	7.39
B. Land dedication acres (parks, county facility, etc.)	0.00
C. Land dedication for roads or utilities (not being constructed by this plan)	0.00
D. Area to remain in commercial agricultural production/use	0.00
E. Other deductions (specify)	0.00
F. Net Tract Area	7.39

LAND USE CATEGORY

Input the number "1" under the appropriate land use, limit to only one entry

ARA	MDR	ICA	HDR	MPD	CIA
0	0	0	0	1	0
G. Afforestation Threshold	15%	x F =	1.11		
H. Conservation Threshold	20%	x F =	1.48		

EXISTING FOREST COVER

I. Existing forest cover	0.94
J. Area of forest above afforestation threshold	0.00
K. Area of forest above conservation threshold	0.00

BREAK EVEN POINT

L. Forest retention above threshold with no mitigation	0.00
M. Clearing permitted without mitigation	0.00

PROPOSED FOREST CLEARING

N. Total area of forest to be cleared	0.94
O. Total area of forest to be retained	0.00

PLANTING REQUIREMENTS

P. Reforestation for clearing above conservation threshold	0.00
Q. Reforestation for clearing below conservation threshold	1.88
R. Credit for retention above conservation threshold	0.00
S. Total reforestation required	1.88
T. Total afforestation required	0.17
U. Total Planting Requirement	2.05

PLANTING CREDITS

V. Credit for landscaping	0.82
W. Balance of reforestation and afforestation required	1.23

FOREST CONSERVATION TREE CREDIT			
TREE TYPE	SIZE	QUANTITY	CREDIT
Shade Tree	2-2.5' Cal	63 @ 100 Trees/Acre	0.63 Ac
Ornamental Tree	1-1.5' Cal	28 @ 250 Trees/Acre	0.11 Ac
Evergreen Tree	8-10' Ht	19 @ 250 Trees/Acre	0.08 Ac
TOTAL			0.82 Ac

TOTAL FORESTATION REQUIRED:	2.05 AC
FORESTATION PROVIDED:	
- CREDIT FOR LANDSCAPING:	0.82 AC
- OFF SITE PLANTING OR FEE-IN-LIEU REQUIRED:	1.23 AC
TOTAL:	2.05 AC



VICINITY MAP
SCALE 1" = 2,000'

JOINT EXHIBIT
#88
SDP-05-006
01/03/06

CITY OF GAITHERSBURG
31 SOUTH SUMMIT AVENUE
GAITHERSBURG, MARYLAND 20877
FCP APPROVAL
THE CITY OF GAITHERSBURG DEVELOPMENT REVIEW TEAM HEREBY GRANTS APPROVAL OF FOREST CONSERVATION PLAN FOR APPLICATION NO. CSP-
DATE _____ BY _____

SDP-3
SPD-05-006
WSSC 221 NW 00

TAX MAP FS 582

LANDSCAPE AND FOREST CONSERVATION PLAN
SCHEMATIC DEVELOPMENT PLAN

WASHINGTONIAN TEN
PARCEL K, BLOCK C

9TH ELECTION DISTRICT - CITY OF GAITHERSBURG- MARYLAND



Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

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Montgomery Village, Maryland
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www.mhga.com

Proj. Mgr. B.D./GSH
Designer B.D./GSH
Date 11/22/05
Scale 1"=50'
Project No. 05-138-11
Sheet 1 of 3

REVISIONS			
NO.	DATE	DESCRIPTION	BY
2	2/2/06	rev. NRI and bldg footprint	GSH
1	11/28/05	Respond to City Comments	

INTERSTATE ROUTE 270

CRITICAL ROOT ZONE

TREE PROTECTION FENCE AND ROOT PRUNING

EXISTING FOR CONSERVATION CREDIT

20' FIRE ESCAPE LINE

LIMITS OF DISTURBANCE

EXISTING OF CONSERVATION PLANTING FOR SCREENING (NO FOREST CONSERVATION CREDIT)

J / BLOCK C CITY PARTNERSHIP LP 8286 F.435 97 P.NO.10718 USE=HOTEL ZONE=MXD

Building

Building E

Building G

COURTYARD

RESIDENTIAL TOWER

COURTYARD POOL

COURTYARD

Building H

Building

Building B

WASHINGTONIAN BOULEVARD

ACCESS RAMP

OMEGA DRIVE (80' ROW)

PARCEL A WASHINGTONIAN CENTER P.B.161 P.NO.18248

1 STORY TOWN & PHASE 10 WASHINGTONIAN CENTER 2000 ROAD LLC 100% OWNED BY WASHINGTONIAN CENTER LLC 100% OWNED BY WASHINGTONIAN CENTER LLC 100% OWNED BY WASHINGTONIAN CENTER LLC

CITY OF GAITHERSBURG 21 SOUTH SUMMIT AVENUE GAITHERSBURG, MARYLAND 20877

FCP APPROVAL

THE CITY OF GAITHERSBURG DEVELOPMENT REVIEW TEAM HEREBY GRANTS APPROVAL OF FOREST CONSERVATION PLAN APPLICATION NO. CSP-

DATE BY

REVISIONS		
NO.	DATE	DESCRIPTION
2	2/2/06	rev. MRB and bldg footprints

J / BLOCK C
JY PARTNERSHIP LP
8286 F.435
97 P.NO.10718
USE =HOTEL
ZONE=MXD

UNIAN CENTER
P.NO.20634
TOWNHOUSE
NE-MXD

PARCEL A
WASHINGTONIAN CENTER
P.B.151 P.NO.18248

1 STORY STONE & IN
VETERINARY HOSPITAL
2400 FIELDS RD
MEDOLA HOLDINGS, LLC
PARCEL A 0774
97-1-10718
ONE - 1000

OMEGA DRIVE
(80' ROW)

CITY OF GAITHERSBURG
31 SOUTH SUMMIT AVENUE
GAITHERSBURG, MARYLAND 20877

FCP APPROVAL
THE CITY OF GAITHERSBURG DEVELOPMENT
REVIEW TEAM HEREBY GRANTS APPROVAL
OF FOREST CONSERVATION PLAN FOR
APPLICATION NO. CSP-

DATE _____ BY _____

LEGEND

- PROPOSED LARGE SHADE TREE
- PROPOSED SMALL SHADE TREE
- PROPOSED ORNAMENTAL TREE
- PROPOSED LARGE EVERGREEN TREES
- PROPOSED NARROW EVERGREEN TREES
- PROPOSED LARGE EVERGREEN SHRUBS
- EXISTING TREE TO REMAIN AND CRITICAL ROOT ZONE
- TREE PROTECTION FENCE
- ROOT PRUNING
- LIMITS OF DISTURBANCE
- EXISTING VEGETATION

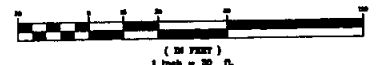
LANDSCAPE PLANT LIST

Grasses may be selected from the following schedule:

BOTANICAL NAME	COMMON NAME	SIZE	ROOT
LARGE SHADE TREES (Total Quantity: 23)			
<i>Acer rubrum 'Amersingham'</i>	Amersingham Columnar Red Maple	2 1/2' - 3'	E4B
<i>Acer rubrum 'October Glory'</i>	October Glory Red Maple	2 1/2' - 3'	E4B
<i>Acer saccharum 'Green Mountain'</i>	Green Mountain Sugar Maple	2 1/2' - 3'	E4B
<i>Quercus bicolor</i>	Shumaker Oak	2 1/2' - 3'	E4B
<i>Fila cordata 'Greenmopse'</i>	Greenmopse Linden	2 1/2' - 3'	E4B
<i>Ulmus parvifolia 'Allen'</i>	Allen Lacebark Elm	2 1/2' - 3'	E4B
<i>Zelkova serrata 'Village Green'</i>	Village Green Japanese Zelkova	2 1/2' - 3'	E4B
SMALL SHADE TREES (Total Quantity: 43)			
<i>Acer buergerianum</i>	Indochina Maple	2 1/2' - 3'	E4B
<i>Acer ginnala</i>	Amur Maple	2 1/2' - 3'	E4B
<i>Acer ginnianum</i>	Paperbark Maple	2 1/2' - 3'	E4B
<i>Larix principis-rupprechtii</i>	Amur Larch	2 1/2' - 3'	E4B
<i>Gleditsia triacanthos 'V. venusta'</i> "Shadenacter"	Shadenacter Honeylocust	2 1/2' - 3'	E4B
<i>Crataegus virginiana</i>	American Hawthorn	2 1/2' - 3'	E4B
ORNAMENTAL TREES (Total Quantity: 39)			
<i>Amelanchier canadensis 'Spiran'</i>	Spiral Serviceberry	4-10' H.	E4B
<i>Cornus x 'Celestial' (Hybrid)</i>	Celestial Dogwood	4-10' H.	E4B
<i>Quercus laevis</i>	Live Oak	4-10' H.	E4B
<i>Lagerstroemia indica</i>	Crape Myrtle	6-8' H.	E4B
<i>Prunus cerasifera 'Zanmura'</i>	Columnar Japanese Cherry	2-10' H.	E4B
<i>Prunus x incisa 'Double'</i>	Double Cherry	2-10' H.	E4B
<i>Syringa reticulata 'Pecky Silk'</i>	Pecky Silk Tree Lilac	2-10' H.	E4B
EVERGREEN TREES (Total Quantity: 41)			
<i>Chamaecyparis thyoides</i>	Leighland Cypress	8' - 10'	E4B
<i>Cryptomeria japonica 'Yoshino'</i>	Yoshino Cryptomeria	2-10'	E4B
<i>Illex x 'ajacii' 'San Jose'</i>	San Jose Holly	4-10'	E4B
<i>Illex x 'attenuata' 'Foster'</i>	Foster's Holly	8' - 10'	E4B
<i>Thuja occidentalis</i>	Oriental Spruce	4' - 10'	E4B
<i>Picea canadensis</i>	Canadian Spruce	4' - 10'	E4B
<i>Thuja occidentalis 'Negra' or 'Tussock'</i>	Dark American Arborvitae	4' - 10'	E4B
LARGE EVERGREEN SHRUBS			
<i>Illex aquifolium 'Limo'</i>	Shero English Holly	4' - 10'	E4B
<i>Illex cornuta 'Fasciata'</i>	Fasciated Japanese Holly	4-5'	Cont.
<i>Juniperus chinensis 'Hetzl's Column'</i>	Columnar Hetsz Juniper	4-5'	Cont.
<i>Photinia fraseri</i>	Red tip Photinia	4-5'	Cont.
<i>Rhoicodendron canadense</i>	Canada Rhoicodendron	4-5'	Cont.
<i>Thuja occidentalis 'Emerald'</i>	Emerald Arborvitae	4-5'	Cont.

NOTE: This list is not final. Depending on final plans and field conditions, other species may be recommended as more appropriate.

GRAPHIC SCALE



SDP-4

SPD-05-006
WSSC 221 NW 09

TAX MAP FS 542

DETAILED LANDSCAPE AND FOREST CONSERVATION PLAN
SCHEMATIC DEVELOPMENT PLAN

WASHINGTONIAN TEN
PARCEL K, BLOCK C

9TH ELECTION DISTRICT - CITY OF GAITHERSBURG-- MARYLAND

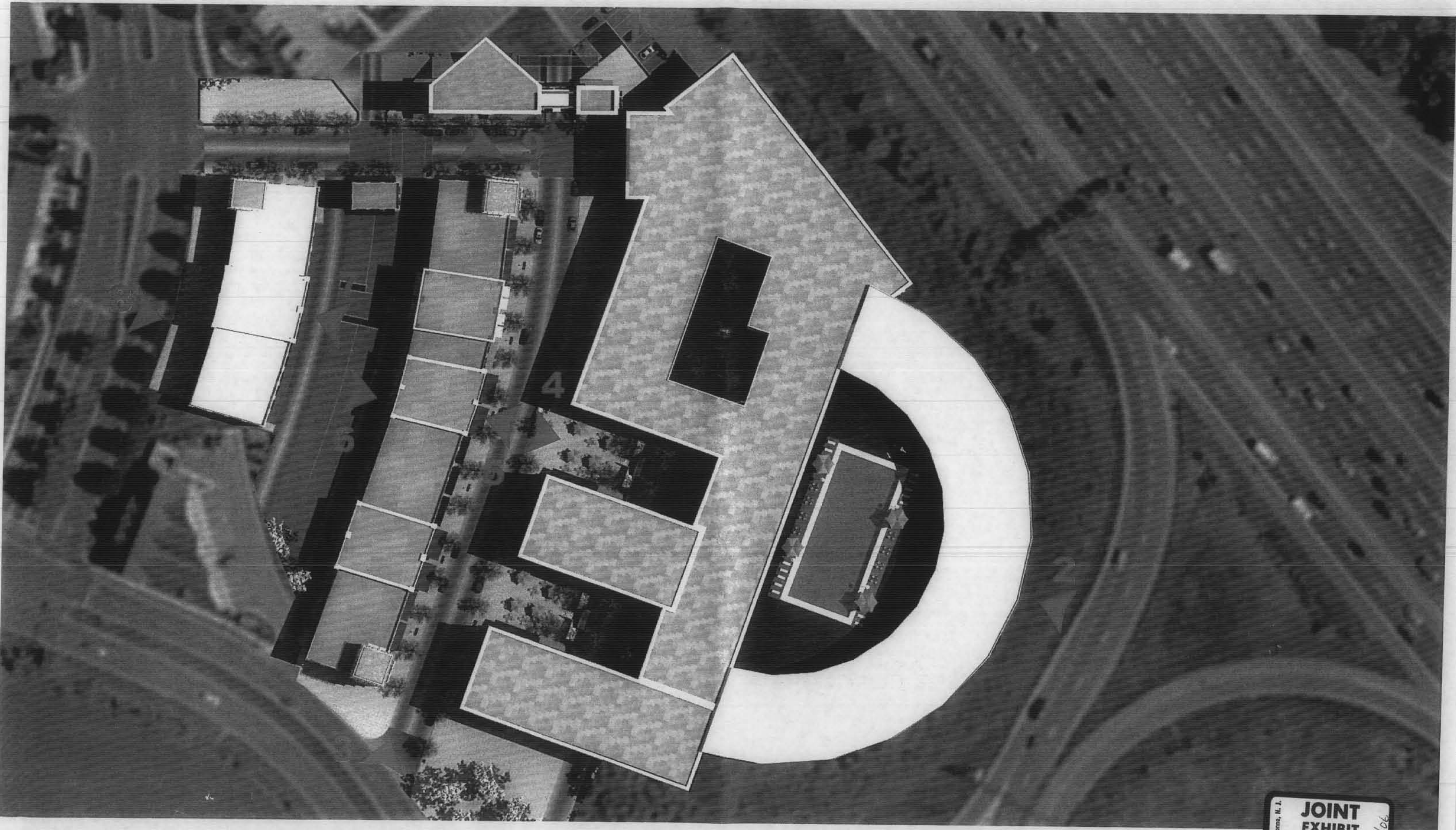


Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors

Proj. Mgr. BJD	Designer BJD/GSN
Date 11/22/05	Scale 1"=30'

REVISIONS		
NO.	DATE	DESCRIPTION
2	2/2/06	rev. NRE and bldg footprint
1	11/28/05	Respond to City Comments

JOINT EXHIBIT #889
-Bayonne, N. J.
103/06

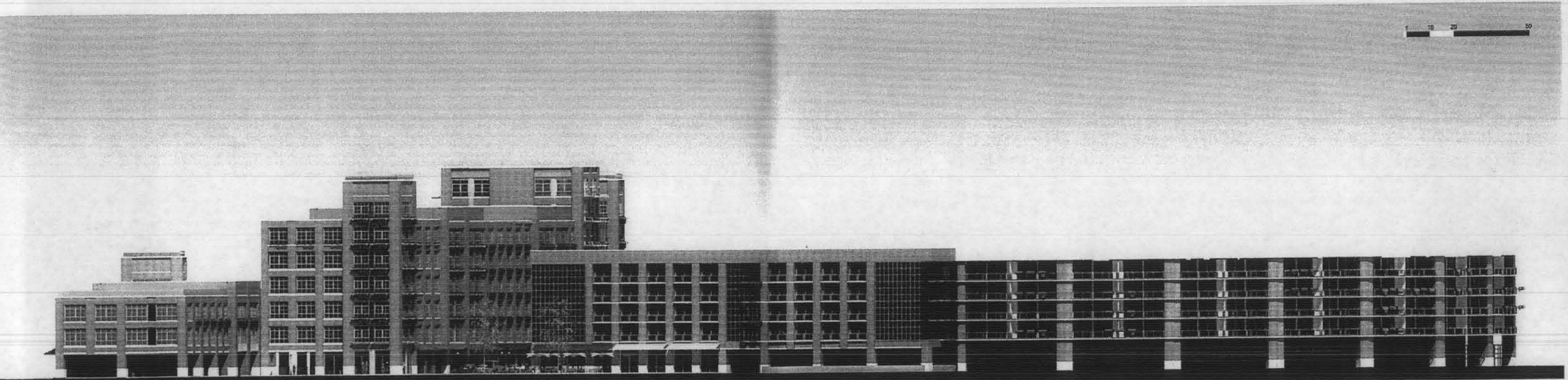


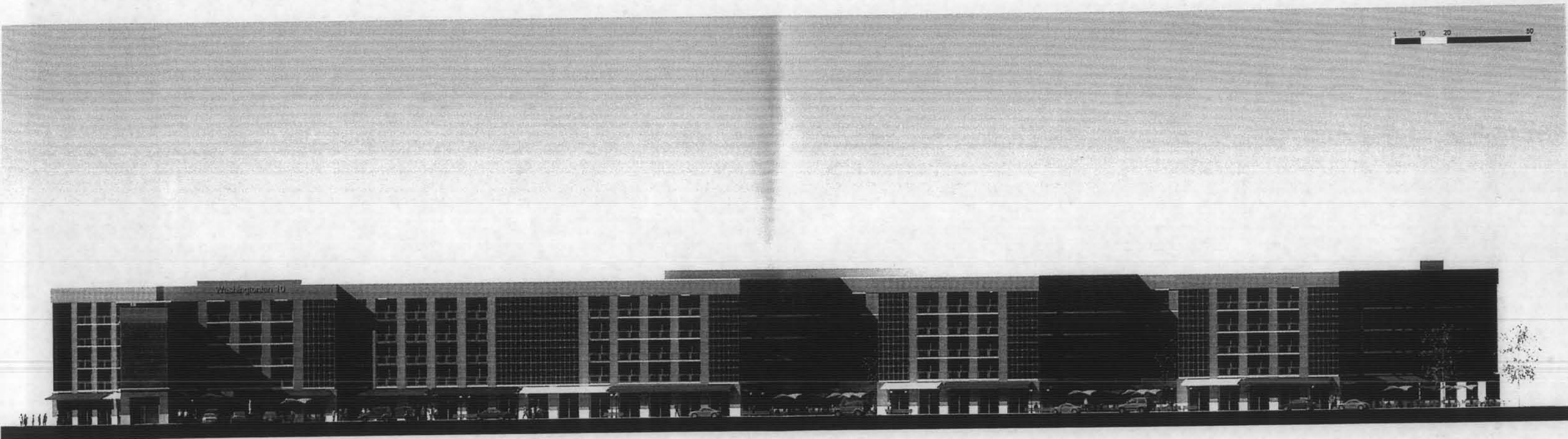
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**JOINT
EXHIBIT**
#90
SDP-05-006
01/03/06





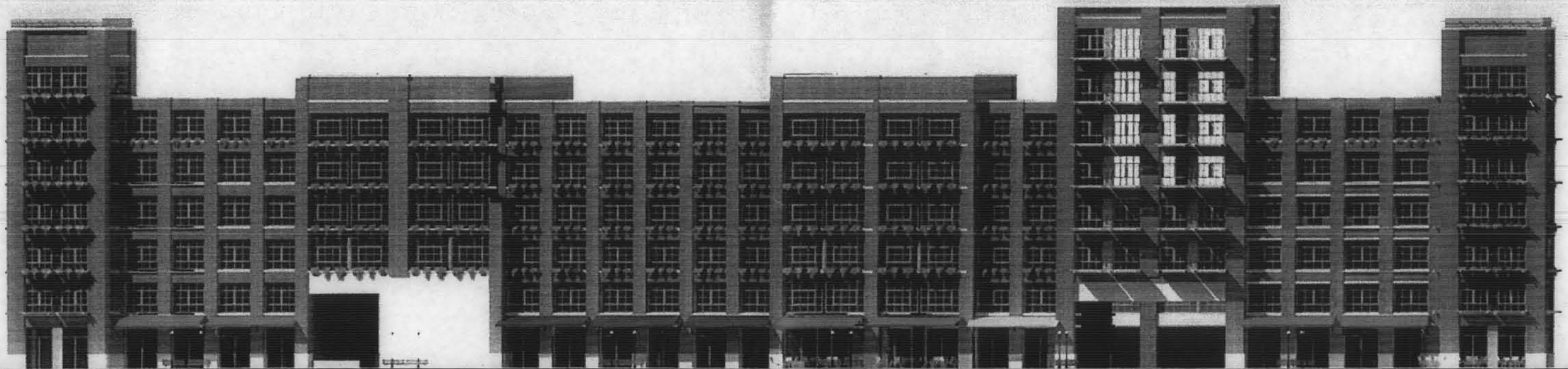
PERCUT-Bayonne, N. J.
**JOINT
EXHIBIT**
#92
SDP-05-006
01/03/06





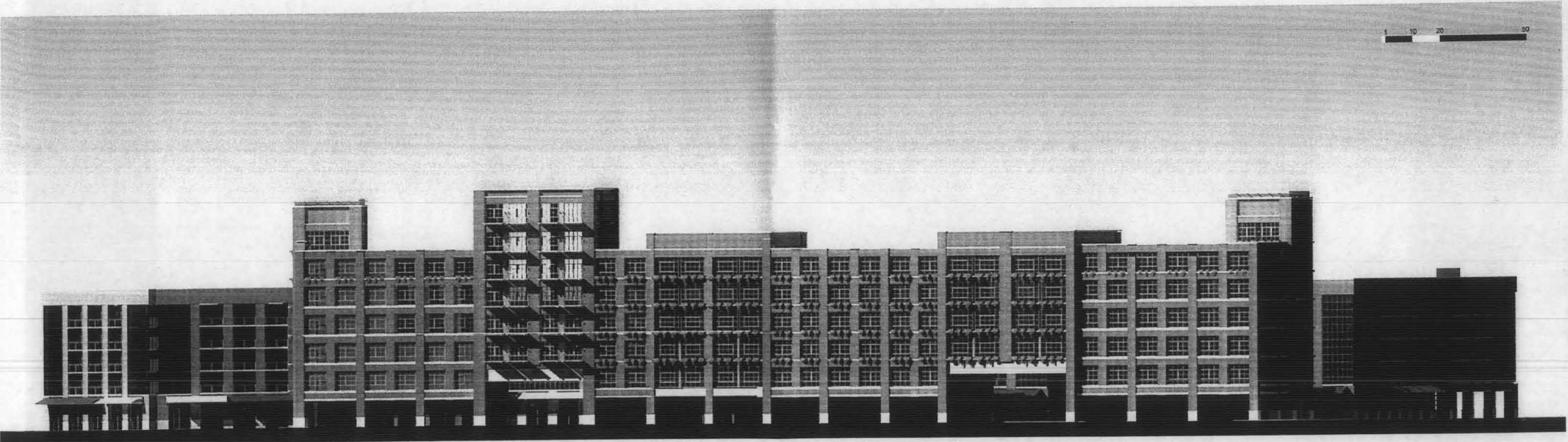
PERCAD-Bayonne, N. J.
**JOINT
EXHIBIT**
#94
SDP-05-006
01/03/06

1 10 20 50



PERICAD-Bayonne, N. J.
**JOINT
EXHIBIT**
#95
SDP-05-006
01/03/06

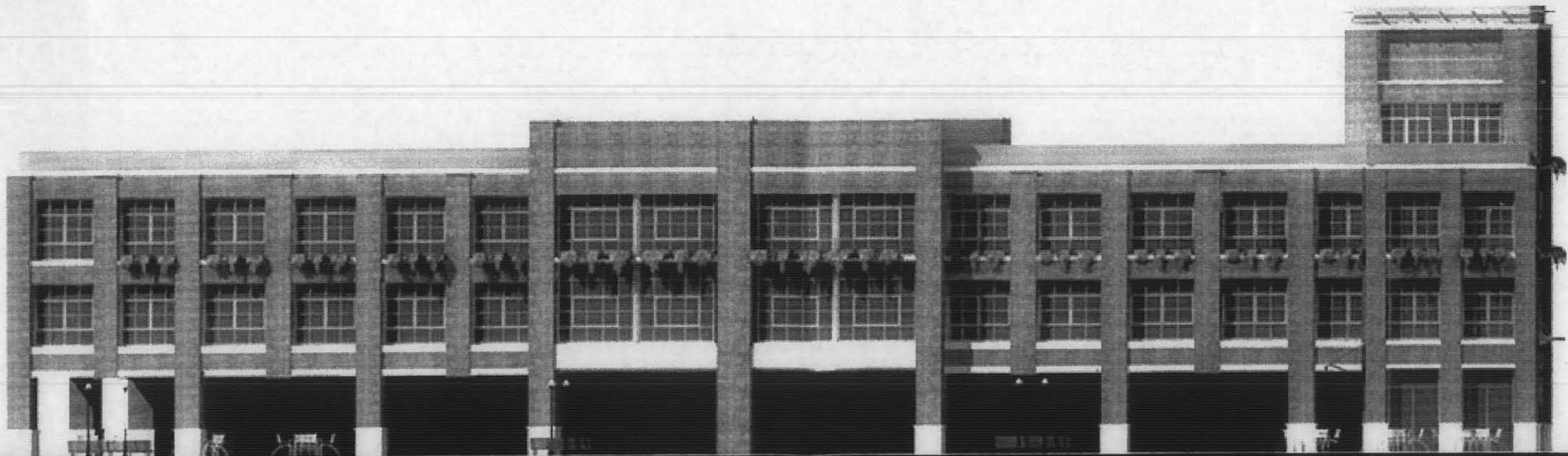
BUILDING ELEVATION # 6

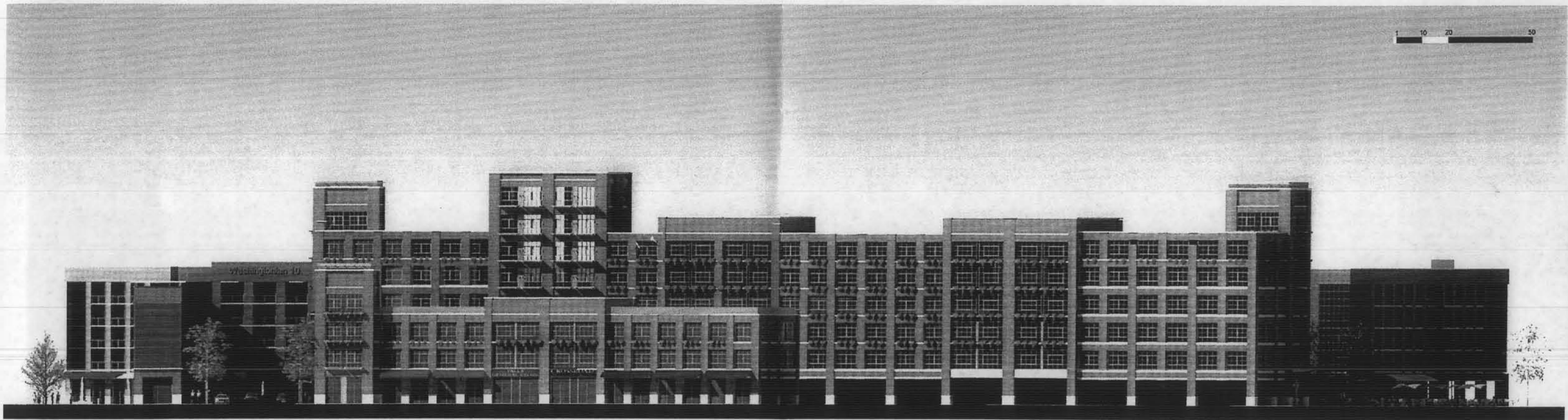


PERGAD-Bayonne, N. J.
**JOINT
EXHIBIT**
#96
SDP-05-006
9/10/10



JOINT
EXHIBIT
#97
SDP-05-006
01/03/06





PENGADO-BAYONNE, N. J.
**JOINT
EXHIBIT**
#98
SDP-05-006 01/03/06

1 10 20 50



PENGAD-Bayonne, N. J.
**JOINT
EXHIBIT**
#99
SDP-05-006
01/03/06